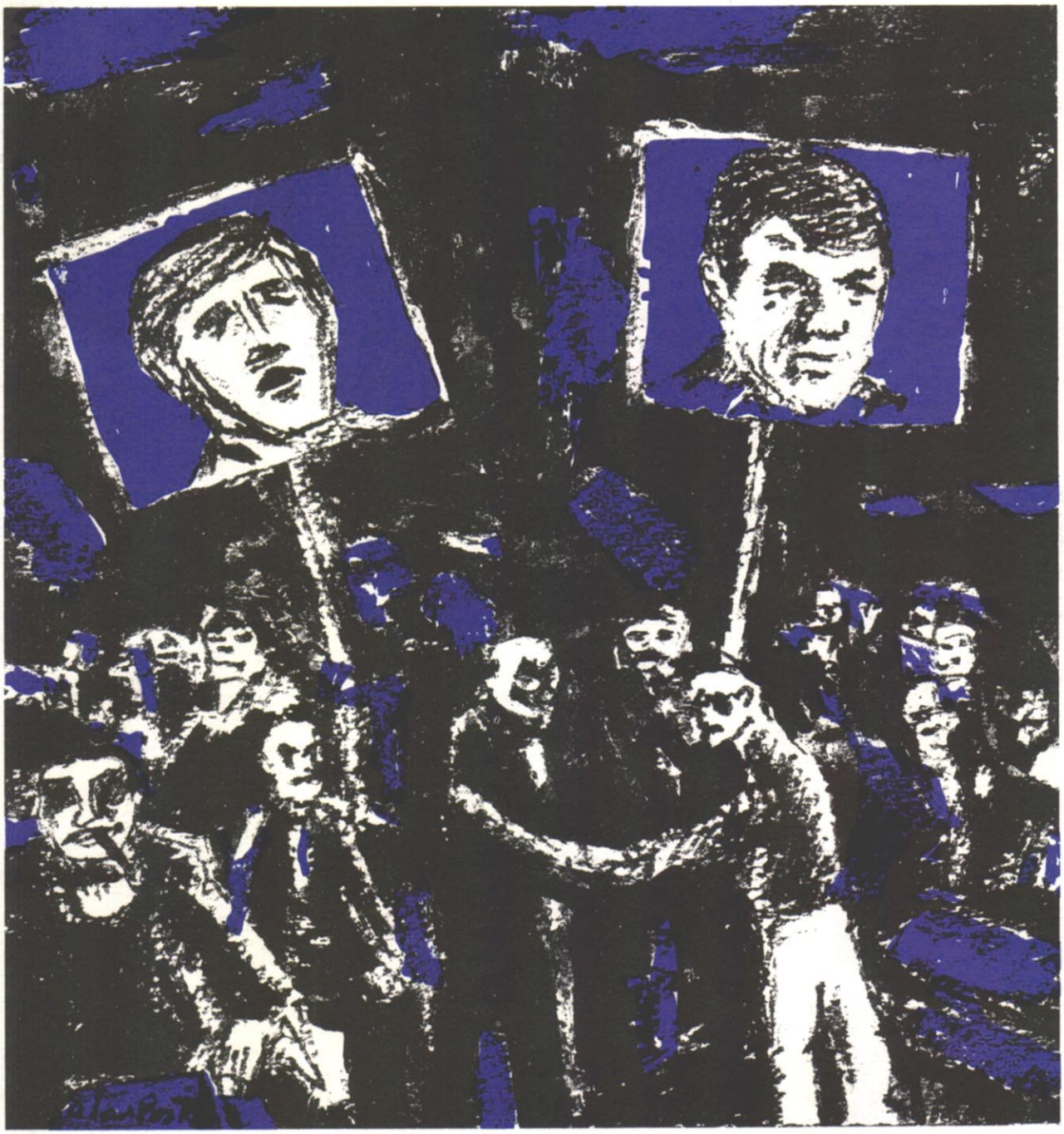
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS

See How They Run

'The Kid' and 'The Professor'



August 1974

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A PERSONAL PERSPECTIVE...

By Ed Salzman

Report from the editor . . .

With this issue, I start my second year as editor of the *Journal*. If the passage of time is any indicator, it must have been a very good year. It seems like only four or five months have passed since I began work on the August 1973 issue. But it has also been a good year in many other respects. Our readers have responded positively to the changes we have instituted, and the *Journal*'s circulation has grown 55 per cent over the last 12 months. If we maintain a growth rate of even 40 percent for the next two years, our future will be financially secure and the magazine will have become self-sustaining.

In the September issue, I outlined my goals, several of which have been reached: The magazine is now more lively and readable; we have struck a better balance between articles on politics and on the nuts and bolts of state government; we have made greater use of illustrations, and given our writers and artists more freedom to display their talents. In accomplishing that, however, we have also sought to strengthen the twin cornerstones on which the magazine was founded — solid research and non-partisan, down-the-middle analysis of political and governmental issues.

But there is more to be done. We have not met our goal of getting more humor in the magazine. Wouldn't it be a delight to uncover a California Jules Feiffer to poke fun at the state's political figures in a page of sketches? Or wouldn't a satirical change-of-pace be welcome, if it is possible to give a serious subject a whimsical and illuminating twist? We would settle for some short shots — something like what a state official who describes himself as an "anonymous ill-tempered subscriber" sent in a recent note:

I think *California Journal*, as the leading authority on state government, should look into the decision of the state Department of Transportation to foresake nomenclatural clarity and begin calling itself CalTrans. My principal question is whether this is likely to set a trend in our state capital, CalSac. Will the Real Estate Commissioner soon become CalReal? Will our highest court be CalSup? If the Department of Agriculture is CalAg, can the attorney general still be CalAG? When CalTrans writes our chief executive, does it address its letters to CalGov Ron Rea? Will the voters choose John Har or Merv Dy to be our next CalLieu? And what about our Legislature — CalSen and CalAss?

Finally, if this cute new non-language drives us all nuts, can we seek help from CalMent?

Cordially,
Cal Joe

We still have a long way to go in improving the readability of the magazine. Lacking colorful advertisements that also serve to break up a publication's editorial content, we must depend on other devices. We have expanded the use of illustrations, running photographs on occasion and telling our artists to draw whatever they think best illustrates the articles. We also broke with the basic-blue cover that had been the trademark of the *Journal* from its first issue in January 1970. Covers now will have a blue or white background — depending on which is artistically sounder for that particular issue. The back cover is also undergoing transformation. Most magazines sell the back page for a premium to advertisers. We had limited ourselves to placing a short quotation on the page, but in the past few months, we have used the space also to promote the *Journal* — and with good results, both artistically and economically.

Another goal is to expand the breadth of our coverage to take a close look at areas of California government and politics that have never been explored in depth before. The campaign manager piece in the May issue was one such effort. It is hard to find writers with working knowledge in these specialized fields or to find experts who can write well. We have occasionally experimented with an offbeat article. Some succeeded and some didn't, but we are determined to keep experimenting.

* * *

When I came aboard a year ago, the *Journal* underwent a reorganization. Tom Hoeber, who had been editor, assumed the title of publisher and concentrated on the magazine's business side. Through his efforts, the *Journal* solved many financial problems and the circulation for the first time matched the projections. With the help of Tom and Bruce Keppel, the managing editor, we have been able to expand our internship program in cooperation with various universities so that the *Journal* can expand its reporting activities while helping students get a look at what California government is really like.

Our readers have written many letters commenting on these and other innovations quite apart from the articles themselves. We invite your suggestions for improvements — as well as your complaints about errors of commission or omission. We have established a panel of especially knowledgeable readers to provide us with a monthly commentary on each issue, but we would like to receive all the reactions we can from our subscribers. The *Journal* is still not all we want it to be and we solicit your help in its continuing development.

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The dust has settled after June's primary election, and the field for governor has narrowed to two major candidates — Secretary of State Edmund G. Brown Jr., a Democrat, and Controller Houston I. Flournoy, a Republican. The rivals differ in style, personality and philosophy, as becomes clear after scrutinizing the contenders from several viewpoints. The cover illustration is by A. Alan Post, who besides being the nonpartisan legislative analyst is also a painter of note.

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SEE HOW THEY RUN

'The Kid' vs. 'The Professor'

By AL MARTINEZ

Election night. Edmund Brown Jr. — The Kid — moves through the crowds in the ballroom of the Sheraton Universal Hotel in Los Angeles. Controlled, precise, functional. Left hand in his jacket pocket, right hand extended, he accepts the greetings of his well-wishers with a warmth conditioned by practice. No one jostles him. No one slaps him on the back. He smiles slightly at the cheers, and gestures in a half-wave. It is the emergence of the essential California Candidate — young, handsome, unmarried and, above all, cool.

Across town, as the gubernatorial primary totals flash on television from the corners of the state, Houston Flournoy — The Professor — sucks hard on a cigarette in his suite on the nineteenth floor of the Century Plaza and, for the third time, abruptly dismisses any talk of a victory statement. There is little doubt of his victory from the start of the evening, but the candidate is glum and uncertain. His leg jiggles. He laughs in nervous bursts. Nearby, his wife complains about the long campaign. A tight, grim army of aides keeps out the press. Security is heavy. So is the mood. Houston Flournoy watches his triumph take place and scowls.

If it were a movie about a California election, no casting director could have selected a better Democratic candidate than Brown or a better Republican candidate than Flournoy. They're perfect. Contrasting styles, different personalities, good looks, background. Brown, the ultra-cool son of a former back-slapping governor, an ex-Jesuit seminarian turned secretary of state, political reformer, friend of starlets. Flournoy, a former college professor whose venture into statewide politics, it is said, began as a joke at a party, a Cornell student at sixteen, a Ph.D. from Princeton, the son of a high-school dropout who fought his way to the top of a New York tire company, a moderate edging nervously to the right.

See them in cinematic confrontation, Brown and Flournoy (pick your actors to play the roles) touring the big cities and the small towns, flying through the night, living out their dramas — Brown somehow crisp and unheated in the valley sun ("Look," an admirer says, "he never sweats"), Flournoy agitated, behind schedule and ill-humored in a nowhere place on a nothing day, struggling to overcome the frustrations of nothing-going-right. The theme is making it. The question: Which of the bright young men (Brown, 36, Flournoy, 44) will climb to the top of the funkiest state in the union? Stay tuned. The plot thickens.

One observes California Controller Flournoy on the

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campaign trail in the funny little town of Santa Maria, seventy miles north of Santa Barbara. It is near midnight, and he is lying diagonally across the bed of a Howard Johnson Motel, trying to figure out what went wrong. He is drinking scotch and saying, "Will it never end?" What a day.

It had begun in Los Angeles with his campaign manager, Doug Kranwinkle, missing the plane that was to have carried them both to Santa Maria. The pace of the day, the rhythm by which a candidate adjusts himself, was erratic. Representatives from Allan Hancock College and UC-Santa Barbara met him at the Santa Maria Airport, rushed him to the motel and gave him thirty minutes to change for dinner, phone his office and sit for an interview with the local newspaper.

Feeling rumpled

There wasn't even time for a quick shower. "I don't feel right," Flournoy mumbled, fussing with his tie as he strode to a waiting car. "I feel . . . rumpled." He didn't look it. Six feet, 185 pounds, solid, he gave every outward appearance of being in command. Tough. Oriented. Only occasionally does Flournoy reveal his anxieties: in the nervous laughter, the jiggling leg, the glum expression, the hard drag on a cigarette. "I must like all this," he would say on the run, "or I'd be out of my mind to do it. And *that*" — the burst of laughter —" is an unacceptable alternative."

Santa Maria. A planned dinner party was half the size it was supposed to have been. A television interview ended abruptly when the cameraman ran out of film. The car wouldn't start. "That's the way it goes," Flournoy shrugged. The worst was yet to come. The main reason for the trip to Santa Maria was a two-hour talk and question-and-answer session at Hancock, a two-year college with a 7,000 enrollment. The session was part of a series open to the public, and the college's director of community services anticipated a good crowd. More than 250 had registered for the series. At the Student Union Building Flournoy was taken to a side room for a quick television interview. Eugene Stevens, the community services man, left to check the crowd. He returned in moments, shaken. "There are only six people in there," he whispered to an associate. "My God, *six people*!"

"Well," he said to Flournoy, straining at a smile, "we've got a little disappointment here. Seems we're bucking a television special, a meeting of the Republican Women's Club and a misprint in the local paper. They said it was going to start at eight instead of seven. It's a very small turnout, Houston." "If you think I'm going to give the speech twice," Flournoy replied, only half-kidding, "you're crazy." By the time they reached the big, embarrassingly empty auditorium the number of spectators had grown to twenty. Later the crowd would reach eighty. "Good evening, ladies and gentlemen," Stevens said with a faltering effort at humor. "Both of you." Flournoy scrapped his formal lecture. The chairs were moved into a semi-circle around him, and he sat slightly slumped and cross-legged, wearing the kind of somber expression that came to characterize him throughout the primary campaign. "I'm actually pleased it turned out this way," he began hopefully. "I'm more at home with a dialogue situation than with . . . ."

'You take your best shot'

Well, all right. Not everything goes perfectly all the time. Flournoy can be philosophical if not whimsical. Back in his motel room, he stretched across the bed for a nightcap. He has never generated white heat, he says. He isn't that kind of a Republican. He isn't a zealot. Earlier in the day he was asked why, with his moderate attitudes, he is a Republican at all instead of a Democrat. "I saw Alf Landon marching down Broadway in New York when I was seven and it impressed hell out of me," he replied in mock sincerity. "I knew he'd beat Roosevelt, I just knew it." Pause. "I have become a better political judge since."

That night he made no effort to hide his irritation at what had been a disappointing day. The Flournoy scowl was deep, the mood glum. "A campaign is often lonely," he sighed. "But you know, we don't worry about losing the governorship. If we lose, we'll just turn our back and walk away. Once it's over, it's over. You take your best shot."

One way to tell when Flournoy is losing control, when weariness is laying heavily upon him, is when he slips into the editorial we: "We're tired." It's a classroom trait that bothers him now when he's aware of it. He has been told he ought to break the habit. He works at it when he isn't exhausted after a frustrating day, rolling his eyes in self-correction as he switches in mid-sentence to first person singular.

Is it worth all this — the race for the governorship? Flournoy shrugs. "Once you've been controller you've . . . well. . . been controller, if you know what I mean. It isn't fun anymore. You either go up or you get out."

Someone handed him a copy of the local newspaper. His photograph was on the bottom of a page. Wrapped around it in peculiar juxtaposition was an unrelated story headlined, "Santa Maria Man Convicted of Sex Crime." Flournoy roared with laughter — laughter that filled the room, freed the pressure and punctuated a long and frustrating day then ending. "Well," he finally managed to say, "it hasn't all been a waste. I've been convicted of a sex crime in Santa Maria."

Question of style

Santa Maria. For Jerry Brown it was Sacramento — but the day held no frustrations. And even if it had, the reaction wouldn't have been the same. Brown is a different kind of creature — creased, unwrinkled, detached. One knows with an inner certainty that he wouldn't have been thrown by Santa Maria. One feels he wouldn't have sprawled across a bed, shoeless and in shirtsleeves drinking scotch and grumbling over a bad day.

His father might have. Former Governor Pat Brown was an old-school politician. A back-slapper. A baby-kisser. A how's-the-kids-bring-the-missus-next-time. He loved a parade, a carnival, a circus. The difference between father and son intrigues those who know them both. They represent two eras in almost classic overlap. Pat Brown, the fumbler. Jerry Brown, the perfectionist. Pat Brown, outgoing and warm. Jerry Brown, private

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and aloof. "The difference between them," a family friend says, "is in Jerry. He's arrogant." "He'd be all right," an opponent once observed, "if he just drank bourbon instead of apple cider in the evening."

With Jerry, it's a question of style. It's important to him. He talks about it, develops it, exudes it and often appears to self-consciously labor at it. The new politics again, where the elegant manner was *de rigueur*? Brown smiles, quick to the small irony. "Well," he will say, "newer."

In Sacramento, the occasion was a party. It was early in the primary campaign. The office of secretary of state was moving from the Capitol Building to the sixth floor of a formal, forgettable high-rise a short walk away. Brown's manner was at first reserved, but it warmed. Crowds pose no threat to him. Unlike Flournoy, he moves through them easily. For here, after all, is a man born to crowds — to the crush of the curious, to well-wishers, to sarcastic asides, to cold-cuts and hallelujah. He broke his teeth on the politics of razzle-dazzle at age five when his father ran for San Francisco district attorney. It was his first political awareness, followed by rodeos, picnics, speeches and family appearances all his growing-up years as daddy went from D.A. to attorney general to governor.

"Politics was not the focus of my life," the younger Brown will tell you flatly. "My focus was the priesthood. I took vows of poverty, chastity and obedience." A stage pause, a slight smile. "*Then* came politics." (During the campaign, Brown would use the vow of poverty to prove his rapport with the poor, to which San Francisco Mayor Joseph Alioto would reply: "He took a vow of chastity, too. Now what do you suppose he's trying to say?")

"Whenever Jerry develops an interest," his sister says, "he learns everything about it he can." This is Kathleen Rice of Los Angeles. "He commits himself with frenetic energy. One year it was photography, another year golf. He has an intense desire to master what he's doing."

"The great thing in life is anything that absorbs you," Brown says. "You don't ask the cost. It isn't something you add up. It's climbing a mountain. You either climb it or you don't."

Brown's intensity, which often manifests itself in a shivery reserve, was another joke during the primary campaign. A Democratic opponent, asked what would win him the gubernatorial nomination, replied, "Meeting every Democrat in the state." The next best thing? "Having Jerry Brown meet every Democrat in the state." The joke was good until election night.

Politics as mistress

At the party in his old suite of offices, Brown thawed. The smile was warm, the conversation easy. The party had been prepared by the women on his staff — young, alert, pretty. Brown treats them with respect. "This is a departure," he told a visitor that day. "The women here usually make policy, not coffee." Many of his bright male staffers seemed as young as their female counterparts. Reporters call them the Mod Squad, but not with disdain. Three hundred gathered in the office to drink champagne punch and munch sandwiches and cake.

Old politics and new politics occasionally overlap. Brown wore a gold trout pin in his lapel. Someone asked him why. "I crowned a queen of the Rodeo Festival in Lone Pine." Pause. "Inyo County." Pause. "They awarded me the Pin of the Golden Trout. And I learned about the big Tule Elk Controversy." He stared straight ahead and the voice never changed from fact-

A. Alan Post

informational to put-on. "There's a lot you can learn about the tule elk." ("You have to be quick," Kathleen Rice says. "His sense of humor is subtle but just as lively as his father's. Jerry is genuine. This is no game. Politics is his mistress.")

After the party, Brown met with ten members of his staff. The functional man returned. His manner was brusk as each staffer reported. "Handle it." "Try it." "Tell me about it in sixty days." "Move it." Much of his time during the primary was committed to the support of Proposition Nine, the successful political-reform initiative — the kind of abrupt, unequivocable support that moved Alioto to remark sourly, "Brown acts as though he invented honesty." This, too, is the Brown style: to speak out.

"Jerry won't hustle you," his sister says. "He'll tell you right off what he thinks, what he means. He understands the complexities of government. He seems so light sometimes, I know, but there's another side to the moon."

His responses are often abrupt; his attitude is judgeme: Will he make a good governor? "Have I made a good secretary of state?" Is the Brown Image the Brown Reality? "You've seen me. Is it?"

Later, an edge of weariness will creep into his voice. The day was full. "Sometimes I get tired of crowds. I like peace and quiet. Meeting people is fine, fascinating. But a man must be alone." It was late afternoon, and late afternoon, friends say, is not a good time for Brown. He's a night man, though, and will talk long into the predawn hours on abstract philosophies. Recently it was a Malibu session with evangelist-turned-actor Marjoe. But the subject wasn't philosophy; it was audience response.

"In many ways," his sister says, "he was a loner as a boy. When rock-and-roll was popular he was playing the classics. He is still so independent it would be a mockery for him to try and be like his father. He's different. He's Jerry."

Flying from Sacramento to Los Angeles for a date with columnist Shana Alexander, he slipped into political rhetoric. "If I'm governor I'll break new ground on the basis of who I am and what I am and what I've done and . . . but that's a hunch. Who knows? Who can say? You pick a candidate the way you pick a friend. With a little knowledge and a lot of instinct."

The jet slipped out of the twilight and touched down. Brown's briefcase snapped shut. The night snapped open. He left with an easy wave.

Edmund G. Brown Jr. versus Houston I. Flournoy. As the campaign clock ticks on to November, the Brown image alters. "For instance," a political reporter says, "he's learning to shake hands." They used to say he had

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the personality of a gold fish. He heard the remark and busied himself in the later days of the primary putting a smile on the face of the fish.

Watch both candidates on a plane. The Newer Brown boards, moves around, introduces himself, shakes hands and banters with the stewardesses and other passengers. They tell him they remember his father and will vote for him on that basis. "If my name weren't Brown I wouldn't be where I am," he says. They tell him he's leaning too much on daddy. He shrugs. "What's a family for?"

Flournoy boards a plane, sits down, opens a newspaper and keeps pretty much to himself. Period. "You run a low-key campaign," someone said to him, trying to be polite. The candidate bristled. "Baloney!" he snapped. "My idea of a low-key campaign is sitting on the front porch. Just because I'm not standing on a table beating my breast doesn't make me low key. My act is to be my own man.'"

"Flournoy," said a friend, "is a good guy to drink with — he's feisty, interesting, well-educated and understands politics. He's the kind of guy who will argue with you and want you to argue back. But then something happens to Hugh when he gets in front of a microphone: He turns into a bore."

But Flournoy, most agree, is more open than Brown — easier to know, easier to figure out, far more willing during the primary at least to let you into his life. "It occurred to me during the primary," a reporter said, "that after weeks of following Jerry I still didn't know him. I don't know who his friends are, what he reads and what he does in the evening. Even though he's warming up, he is still a private and self-contained man."

"I am what I am," said Brown, "a bundle of qualities from many sources. My style is my personality and that isn't strident. I'm not part of the Old Sacramento locker-room gang. Make the most of it."

Brown will deny that he is trying to mold himself in the Kennedy image, but the comparison with Bobby, at least, is inevitable: the elegant manner, the left hand in the jacket pocket, the slow and deliberate stroll through the crowd. "But look at the difference," a Brown-watcher said. "When Bobby walked into a room he dominated it. There was electricity in the air. When Jerry enters he's got to work to be noticed. He's no Kennedy, no matter how hard he tries."

But he does try, even to the extent of emulating the old Kennedy physical image. Recently he spent an hour and a half in a swimming suit and borrowed jacket bouncing down the Stanislaus River in a flat-bottom rubberboat running the rapids endangered by a dam. Then he walked up to a group of hard-looking bikers, introduced himself and asked for their support. They said they weren't going to help anyone until they took care of their own cause. What their cause might have been was never quite clear. Brown, with characteristic cool, moved on.

Both candidates claim an identification with youth, but Brown — with a style that appeals — has the edge. Flournoy admits to a professorial fault, talking too much and over-complicating what otherwise might be a simple statement. "They tell me to simplify," he said, "but how can you? Everything is so damned complicated." Brown seems more at ease with the young than he does in most situations. An aide saw him bantering with some college students and nodded positively, "They're his."

On the night they won the primary election it became abundantly clear that "neither man is exactly hail-fellow-well-met," one reporter said. "There was a lot more partying around Brown than around Flournoy. You know how the Democrats are. But Brown, while thawing somewhat over his earlier image, wasn't in a party mood. Even when he won he just shook hands with his parents. Wouldn't you think he would at least hug them? Let's give him the benefit of the doubt. Maybe he hugged them later."

Flournoy spent most of the evening in front of the television set, and his visits to receptions down the hall seemed more chore than pleasure. Later he would try to explain it by saying that he was tired, very tired, that he had been running for two years and it was all catching up with him. "What do you expect from Hugh?" an acquaintance asked. "He's a stand-patter and prefers to move, if movement is necessary, with slow and deliberate caution."

A difference between them might be in the extent of their celebration on victory night. Flournoy's shut down early, with the candidate still not declaring victory, despite the obvious. His hesitation, it was said, was in deference to opponent Ed Reinecke's feelings. But even a close aide was grumbling, "It's nice to be a gentleman, but you can overdo it."

At Brown headquarters, triumph was taken up like a champagne bottle and drained through the night. Even at dawn, the last of the revelers still celebrated. It seemed the party would never end.

THE CONTENDERS

Getting lucky and staying lucky

BY ED SALZMAN

If money is the mother's milk of politics, luck is an even more vital fluid to the successful politician. It is a rare politician who doesn't owe his ascent to one or more strategic strokes of luck.

But an incredible streak of good fortune made it possible for Republican Houston Irvine Flournoy and Democrat Edmund Gerald Brown Jr. to face each other in the California contest for governor this November. Brown, born into almost any other family (perhaps excepting only the Kennedys), would just now at 36 be starting the climb to the political pinnacle. Flournoy, if he had taken one less drink on a certain evening back in 1966, probably would be living in relative obscurity today teaching government to graduate students at the Claremont Colleges.

"If my name weren't Brown, I wouldn't be here," ac-

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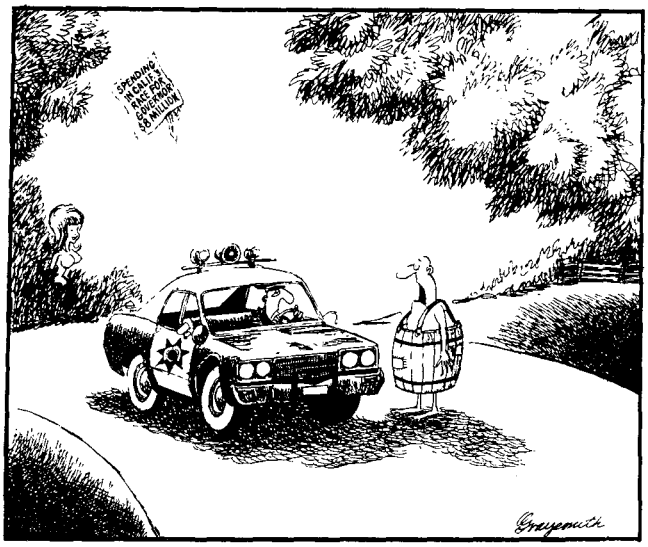

Graysmith, San Francisco Chronicle

"Honest officer, I'm not a nude bather . . . I was a candidate for governor . . ."

knowledged Secretary of State Jerry Brown.But the fact that he was one of the children born to the most successful Democratic politician in California in this generation, former Governor Edmund G. (Pat) Brown, is far from the only lucky break that produced the Democratic nominee. In 1969, an unusual situation arose in the election of trustees for the Los Angeles Community College District, and it was ordained that all candidates for the board should run at large. What better opportunity for someone with the magic name of Edmund G. Brown Jr. to launch a political career? Brown was the only name on the ballot known to many voters, and he ran far ahead of the opposition. This race, incidentally, gave Brown an opportunity to develop a tightly knit campaign organization of bright young strategists, headed by Tom Quinn, that remains largely intact.

Another lucky break came in 1970, when Ronald Reagan was running for reelection and Republicans seemed to be riding high. Brown chose to run for secretary of state despite the prospect of a Republican sweep. As luck would have it, the Republicans nominated James L. Flournoy, an obscure Negro attorney who had been kicking around Republican circles for years. It was an ideal pairing for Brown, despite possible voter confusion between James L. and Houston I. Flournoy, the popular incumbent controller. Brown was the only Democratic winner — and then only by about 300,000 votes, or five percent. Brown then proceeded to make maximum use of his office, getting publicity out of his attempts to police the state's election-reporting laws. Then came Watergate, and Brown had the best issue of any gubernatorial candidate — reform — plus the magic name that was his by birth.

Midnight candidate

The French Huguenot name of Flournoy was hardly a political household name in California or anyplace else in 1960 when Hugh Flournoy, now 43, decided to run for the state Assembly in a district that was solid Republican. He won and became a member of the moderate Young Turk group in the Republican caucus. By 1966, he had decided that there was no future for him in politics. Lawmakers were receiving only $6,000 a year and the commute between Los Angeles and Sacramento was unpleasant. It was time for Flournoy to settle down to the life of a professor at Claremont. He had no faith that the people would enact a pending constitutional amendment raising the salary to $16,000 and making lawmaking a possible full-time occupation. For some months, Assemblyman William Bagley of San Rafael, another Young Turk, was talking loudly about running against the entrenched Democratic state controller, Alan Cranston. But if there was any Democrat who looked like a sure bet for reelection that year, it was Cranston. So Bagley chose to run for another term in the Assembly.

It was the night before the deadline for filing, and there still was no major GOP candidate for controller. The Young Turks and some of their friends, including Democrats with no love for Cranston, had a little social gathering. Drinks were available, and Flournoy — who requires little alcohol to get into the spirit of an occasion — consumed a couple and, before the night was over, had been talked into running for controller. Before sunrise, a collection had been made to pay the filing fee, Flournoy's wife Midge had been notified, and political reporters had been informed (at about 4 a.m.) of Flournoy's candidacy by the late Assemblyman Alan Pattee. The necessary nomination papers were quickly obtained, the required number of signatures added, and the filing took place in time for Flournoy to become the obvious GOP nominee.

With Pat Brown and Ronald Reagan slugging away at each other at the head of the ticket, little attention was paid to the controller's race. Flournoy used the traditional gambit against controllers — the spoils system then used for appointing inheritance-tax appraisers, a system that provided automatic campaign contributions for the incumbent. Flournoy defeated Cranston by 61,000 votes in the closest race for statewide office. Four years later, Flournoy was the Grand Old Party's top vote-getter, defeating Democrat Ronald Brooks Cameron by more than 1.4 million votes.

At this point, Flournoy started looking for a fitting encore. What would it be: governor or United States senator? Cranston looked unbeatable this time as senator, but the governor's race appeared to be up for grabs. So Flournoy started campaigning openly in 1973 to succeed Reagan. The trouble was that so were three other prominent Republicans — Lieutenant Governor Ed Reinecke, Attorney General Evelle Younger and former Lieutenant Governor Robert Finch — and Flournoy had the worst name identification and the lowest ratings on the early polls. Then luck stepped in to knock both Finch and Younger out of the race, for a variety of reasons, leaving Reinecke and Flournoy. Before long, Reinecke was indicted for perjury, leaving Flournoy.

Political animals

Neither Brown nor Flournoy has ever lost an election for public office. Both are political animals, Flournoy by training and experience, Brown by birth and experience. Both start the run for the general election — in which luck must run out for one of them — with fairly united parties. The conservative Reagan Republicans embraced Flournoy when it became apparent that Reinecke, considered a loser in November, was the only alternative. Brown is gradually uniting the diverse elements in his party, although he may lose a few traditionally Democratic detachments to Flournoy. Money will not be a problem for either, especially since they agreed to limit their expenditures to a modest $1.3 million each. Flournoy starts the campaign only light percentage points behind Brown in the polls — an unusual position for Flournoy.

Brown is proud of his credentials as a liberal — a "freedom" worker in Mississippi in 1962, Southern California vice chairman of McCarthy for President in 1968, a Cesar Chavez "Viva la Huelga" marcher in 1969. Unlike his father, he is not part of the political estab-

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lishment and would bring plenty of new blood into state government — young campaign leaders like Quinn, Richard Maullin and Doug Faigin; Los Angeles attorney Warren Christopher; Mary Jean Pew, a professor at Immaculate Heart College in Los Angeles; and SamWilliams, a member of the Los Angeles Police Commission. A Brown administration would also act fast and boldly, especially in three fields the candidate has selected for special emphasis: transportation, land-use and education.

Pat and Jerry

Pat Brown is on duty as a sort of senior statesman, helping his son raise money and spreading the good word within the Democratic establishment. How many of Pat's old friends would find their way into a Jerry Brown administration is hard to estimate, possibly very few. Pat Brown was an extrovert who let his views on almost everything be known to the public. Jerry Brown, like his father, is an attorney, but any similarity ends there. Pat Brown you can picture sitting around of an evening swapping stories with his cronies and making political plans. You can envision bachelor Jerry, on the other hand, listening to classical music and reading a philosophical tome or entertaining a girlfriend.

Jerry Brown was a Jesuit seminarian in 1958 when his father was elected governor, but two years later he came home to the old mansion in Sacramento and learned about the governor's job at his father's side. He went to law school, moved to Los Angeles (perhaps the best place in California to start a political career), and jumped at the first political opportunity, which turned out to be the community college board. He's been running hard ever since.

The compleat candidate

Hugh Flournoy came to politics via academia. His campaign literature asserts that Flournoy has the perfect training to be a governor — a bachelor's degree in government from Cornell, a doctorate in political science from Princeton, a stint as assistant to a United States senator (H. Alexander Smith of New Jersey, 1955-1957), several years as a professor of government at Claremont, three terms in the Assembly and two terms as controller. As governor, he would probably have excellent rapport with the Legislature because he has so many friends there. (By contrast, Brown has few pals in the Legislature, although the election of Leo McCarthy as Assembly speaker was helpful to a potential Governor Brown.) Flournoy knows how to deal with the egos of legislators, and he would be at pains to feed them carefully. He would have a more accessible office than has Reagan, and he has talked about conducting public hearings before deciding whether to sign or veto controversial bills. His key aides would probably include Kirk West, now deputy controller, and such erstwhile Young Turks as Jack Veneman, a defeated Republican candidate for lieutenant governor; Bob Monagan, former Assembly speaker; Bill Bagley, GOP candidate for controller; Doug Kranwinkle, his campaign manager, and John Trethaway, a Long Beach attorney.

Getting lucky

If Brown wins, almost the entire Reagan staff will be put on the streets without delay. The Reagan programs will be dismantled as soon as practical. The Brown brand would be placed on state government almost overnight. But if Flournoy wins, there will be no drastic or immediate change. Although Flournoy is more of a philosophical moderate than Reagan, he has agreed not to demolish Reagan's "Creative Society" or to fire key administration officials wholesale. The governor has announced that he intends to campaign hard for Flournoy, but then Reagan has always been adamant about maintaining party unity.

During the next three months, Brown and Flournoy will be telling the voters about their programs, their experience and their abilities. They will be trying to look like Mr. Integrity in the Watergate era and will be attempting to create charismatic television personalities. But if the history of either man is any indicator, none of these factors might be as decisive as just plain luck.

THE CONTENDERS

How they stand on the issues

- Consumerism
- Women and Minorities
- Farm Labor
- Public Employees
- Medical and Welfare
- Education

What are the real differences between Democrat Edmund G. Brown and Republican Houston I. Flournoy on the issues that concern Californians today? In an effort to obtain their views, the Journal *submitted identical questions to the major-party candidates. Their verbatim replies follow:*

Why are you running for governor?

Brown: After seven years of passivity in the face of pressing state problems, I believe it's time for an activist Democratic governor. I brought independence and innovation to the secretary of state's office and I intend to take the same approach as governor because I believe people are looking for courage and imagination and a willingness to provide leadership even when it's unpopular.

Flournoy: The reason I'm running for governor can

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perhaps be summed up in four words: progress, commitment, stability, experience. I intend to be a problem-solving governor, not one of the partisan attackers-and-slashers who stifle progress. I won't claim to offer exotic programs that instantly cure all our problems, because most of our problems simply defy instant, simple, easy solutions. We need understanding, tolerance, maturity and stability. As governor, I believe I can deal realistically with our economic problems — with taxes that are too high and services that are too slow. I will seek a balance between the people's needs for jobs and the people's needs for a clean, healthful environment.

The governor of California must deal with inflation — the cruelest tax of all. As governor I can help make a difference by pushing policies to increase food production, to provide lower-cost medical care, to make housing more available to low- and moderate-income families and to hold the line on taxes. California needs leadership that will give it fiscal responsibility — matching the people's hard-earned tax money with only the *most important* public needs. It is the thankless job of choosing and selecting among programs competing for scarce tax dollars. If elected, I intend to make those tough decisions without tossing aside the humaneness and compassion that is so necessary for a governor.

We have a tradition in this state of clean government, untainted by machine politics or corruption. I will build on this great tradition and will open government up even more to its citizens. In this regard, California has always been different and better than the other states; it must continue to be so!

What major changes, if any, would you make in the policies of the present administration?

Flournoy: Perhaps the biggest change in a Flournoy administration could best be described as a matter of "style" and the differing problems we face. I intend to be an activist governor who recognizes that there are few simple solutions or easy compromises. I would use my experience as a former legislator to work with the Legislature for the necessary bipartisan solutions to our problems. I'm less concerned with partisan game-playing than I am with solving problems and responsive state government.

My eight years as controller — the state's fiscal watchdog — gives me a very strong base from which to develop a program concerned with spending fewer of the taxpayers' hard-earned dollars. There certainly are policy areas — such as in mental health, smog control, land-use planning, consumer affairs, for example — where I would differ from the present administration. But I believe we should look to the future and the problems that must be solved rather than dwell on the past and what was or wasn't accomplished.

Brown: 1. Provide greater educational opportunities to the young people of our state through smaller classes, bilingual education, better fundamental math and reading training and career education.

2. Restore the prestige of our higher-educational system through renewed commitment to excellence, expanded research, and greater student aid.

3. Provide coherent and comprehensive planning in the area of land use, environmental protection, energy and transportation. The present administration's efforts have been weak and confused.

4. Assure the aggressive enforcement of the provisions enacted by the passage of Proposition 9.

5. Recruit talented people into state agencies, regardless of age, race or sex. The present administration has made little effort to recruit women and minorities.

6. Enact a collective-bargaining bill for public employees.

7. Actively work to resolve the farm-labor dispute through secret-ballot elections.

8. Provide adequate support for the mentally ill and the retarded.

9. Strengthen the role of the consumer-affairs department.

10. Provide adequate support to the Arts Commission.

11. Completely review the Reagan health-care policies.

12. Promptly appoint outstanding individuals to the Commission on Aging and carefully consider their recommendations.

13. Appoint a strong director of agriculture and insure that government policy promotes this vital sector of our state's economy.

14. Improve the efficiency of our court system, especially in the area of criminal law.

15. Improve our prison and jail systems through more effective supervision and increased job training.

What solution do you propose for the educational-finance problem posed by the Serrano *decision?*

Brown: State monies from the general fund should be given to poor districts to supplement their tax revenue to bring them up to an adequate standard.

Flournoy: While I do support and have always supported the basic *Serrano* principle of equal-educational opportunity, great care must be taken in the implementation of a new financing method for our schools. Specifically, we must not interpret *Serrano* to require a *levelling down* of educational quality. We must devise a realistic and practical means of permitting local option to develop an enriched program. I also am concerned that in implementing the concept of "equalized funding", we must review and insure full and adequate recognition

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of special statewide educational programs, particularly compensatory education.

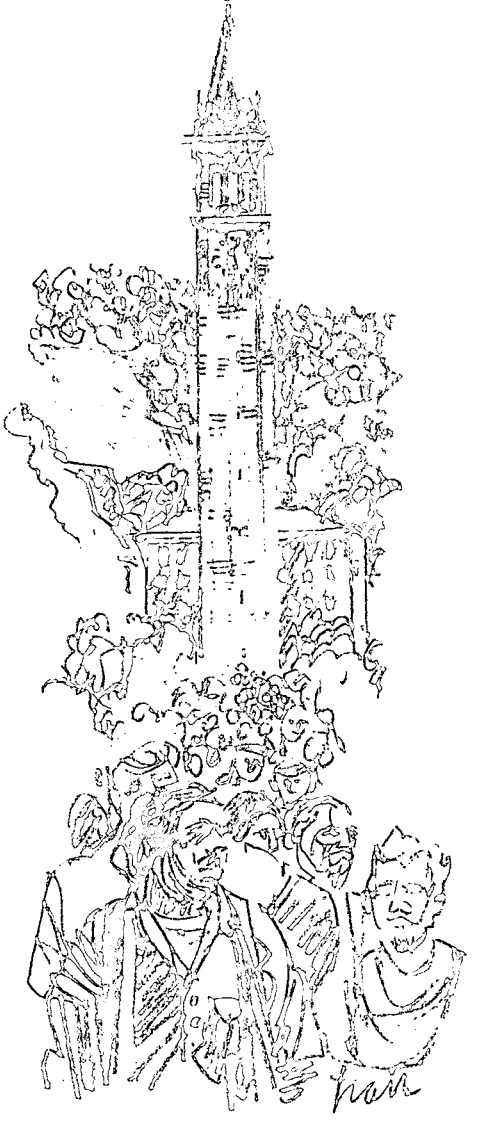
What will you do, if anything, to get more women and minorities into executive positions in state government? What will your policy be on the retention or dismissal of Reagan administration appointees?

Brown: I will actively recruit the most talented people I can find, regardless of sex, race, age or political affiliation. I will not dismiss Reagan appointees merely because they were appointed by the incumbent, but will carefully evaluate their qualifications and commitment to my philosophy of government.

Flournoy: I intend to take aggressive leadership in assuring equal opportunity for women. State government under my direction would set an example with an affirmative action program to recruit and place more women in positions of responsibility. I would seek legislation prohibiting discrimination against women where needed, as well as stronger and quicker enforcement of non-discrimination laws. Working mothers must be assured of adequate child-care because California's child-care facilities are hopelessly inadequate to handle the hundreds of thousands of children of working mothers.

There must be expansion and support of legal rights for women in ownership and administration of property and in financial affairs. Educationally, we must stop stereotyping "women's jobs" if we are to encourage and eventually reap the benefits of qualified women becoming doctors, lawyers, accountants, business executives and public officials. Civil-service job specifications must be reexamined to eliminate unnecessary barriers to women. As governor, I would actively seek out qualified women to fill key administrative and judicial positions. And the budget and other resources of the Fair Employment Practices Commission must be strengthened to solve the continuing problem of job discrimination against women. The concept of equal pay for equal work *must be* more actively enforced.

I intend to judge every appointee on an individual basis. The single criterion will be, simply, to find the best-qualified person available, regardless of political party or whether or not the individual is an incumbent in the position. New blood, new ideas and ideals, plus dedication and commitments to California's goal will be my objective in selecting gubernatorial appointees.



How do you stand on tuition for students in California public institutions of higher learning? Should the 16-year term for University of California Regents be reduced?

Flournoy: I oppose any increase in the present level of tuition. Further, If I can win the fight with the federal government to permit an increase in California's oil revenues, tuition should be *reduced.* Additional funds could be used to offset the portion of tuition now used for capital outlay. I strongly believe tuition must be used primarily for student aid, and must never be an obstacle to those who are qualified to enroll in our higher-educational institutions. No one academically qualified should be denied an education simply because he or she can't afford the costs of going to college.

Brown: I would hold the line on student fees and reduce them if the economy and state budget permit. I strongly support increased student aid and E.O.P. programs.

The regents' terms should be reduced to 12 years.

How do you stand on collective bargaining for public employees, including the right to strike?

Brown: I support collective bargaining for public employees. A comprehensive statute is required that will establish effective grievance procedures and will include as a last resort the right to strike — the only exceptions to be strikes by policemen, firemen and others

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Democrats

Republicans

United States Senator

Alan Cranston, 60, the incumbent.

A native of Palo Alto, Cranston is a former writer and land-developer. He served as national president of the United World Federalists 1949-52, and as founder and first president of the California Democratic Council (CDC). He was elected state controller in the Democratic landslide of 1958, and served two terms until he was defeated by Houston Flournoy in theRepublican sweep of 1966. In 1968, he was elected to the U.S. Senate, defeating then-Superintendent of Public Instruction Max Rafferty (who had unseated Thomas H. Kuchel in the GOP primary).

H.L. (Bill) Richardson, 47, a state senator from Arcadia.

A former advertising and public-relations executive and worker for the John Birch Society, Richardson was elected to the state Senate in 1966 following reapportionment and has become a leading advocate of cutting state spending and getting far tougher on convicted felons. He was born in Indiana.

Lieutenant Governor

Mervyn M. Dymally, 48, a state senator representing the Watts area of Los Angeles.

A native of Trinidad in the British West Indies and a teacher by profession, Dymally was elected to the Assembly in 1962. He remained there until 1966, when he became the first black elected to the state Senate. He is the founder of the National Conference of Black Elected Officials, former chairman of the Senate Democratic Caucus, and chairman of the Senate Elections and Reapportionment Committee.

John L. Harmer, 40, a state senator from Glendale.

An attorney and native of Salt Lake City, Harmer was elected to the Senate in 1966 after upsetting Assemblyman Howard Thelin in the GOP primary. Until his recent replacement, he served as Republican Caucus chairman in the Senate. He was an unsuccessful candidate for attorney general in the June 1970 primary election.

Secretary of State

March K. Fong (Eu), 47, an assemblywoman representing the East Oakland-Castro Valley area of Alameda County.

A dental hygienist who holds a doctorate in education from Stanford, Fong has served in the Assembly since 1967. A native of Oakdale, she is a former member of the Alameda County Board of Education, and serves as chairman of the Assembly Committee on Employment and Public Employees.

Brian R. Van Camp, 33, a Sacramento attorney.

A native of Kansas and one-time student-body president at the University of California at Berkeley, Van Camp has served as a deputy attorney general, as assistant secretary of the state Business and Transportation Agency and as state corporations commissioner, a post he held from 1971 until announcing his candidacy for secretary of state.

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Democrats

Republicans

Controller

Kenneth Cory, 36, an assemblyman representing Westminster and other communities in northern Orange County.

A native of Kansas City, Mo., Cory started his career in Sacramento as consultant to the Assembly Education Committee. He served as chief administrative officer to the Assembly immediately before winning his first Assembly term in 1966. He was chairman of the Assembly Democratic Caucus during Bob Moretti's reign as speaker and is chairman of the Joint Committee on Public Domain.

William T. Bagley, 46, an assemblyman from San Rafael.

An attorney and native of Woodacre in Marin County, Bagley has served in the Assembly since 1960. He has been considered one of the most liberal Republicans in the Legislature, but at times has served as spokesman for the Reagan administration on key issues. He has served as chairman of the Assembly Welfare and Revenue and Taxation committees.

Treasurer

Jesse M. Unruh, 52, former assemblyman.

Unruh, who was born in Kansas, was first elected to the Assembly in 1954 and served as speaker from 1961 to 1969. He was the unsuccessful Democratic candidate for governor in 1970, when he retired from the Legislature; he was a losing candidate for Mayor of Los Angeles last year. He lists his present occupation as an economist.

John Kehoe, 44, former director of the state Department of Consumer Affairs.

A political scientist born in Missouri, Kehoe started his career in government as assistant city manager of Hayward in Alameda County. He has served as administrative assistant to former Congressman George P. Miller, an Alameda Democrat, as legislative representative of the state college system, as a member of Governor Reagan's staff and, most recently, as chief of the Department of Consumer Affairs.

Attorney General

William T. Norris, 46, a Los Angeles attorney.

A native of Turtle Creek, Pa., Norris served as law clerk to Supreme Court Justice William O. Douglas before establishing a law practice in Los Angeles. He has been a member of the state Board of Education, the state College Board of Trustees, the old Coordinating Council for Higher Education, and was president of the Los Angeles Police Commission.

Evelle J. Younger, 56, incumbent attorney general.

Younger's career in public service includes stretches as an FBI agent, Los Angeles deputy city attorney, Pasadena city prosecutor, a municipal and superior court judge in Los Angeles, and Los Angeles district attorney. He was elected to his current post four years ago, when he narrowly defeated Democrat Charles O'Brien. Younger was born in Nebraska.

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Time to reserve Journal's *analysis of ballot propositions*

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(Continued from page 263)
where the public safety and welfare would be clearly endangered.

Flournoy: The right to strike by public employees, including teachers, is alien to my concept of our government, and I oppose it. However, all steps must be taken — and taken soon — short of the right to strike, to strengthen and formalize a meaningful negotiation process. Strikes by public employees harm everyone — the public employee, the taxpayer and the citizen who has a right to expect that his government is working for him. But we must establish a representative selection, mediation and fact-finding process as a positive alternative to a right-to-strike/collective-bargaining procedure for all public employees — state, city, county, and school-district. We need a real method to order parties to a dispute to conduct and, if necessary, to resume good-faith negotiations. A provision for the arbitration of grievances also is necessary. Management and labor must be required to live by their agreements. Grievance disputes must be resolved on a responsible basis.

If elected, development of improved representation, negotiation, and impasse-resolving mechanisms for all public employees will be one of my highest priorities.

What specific changes will you propose in California's tax structure?

Flournoy: Changes in California's tax structure in the near future must be integrated with the problems of public-school financing, if the *Serrano* decision is upheld by the state Supreme Court. We must take a closer look at some of the loopholes in the present tax structure, including a more realistic minimum tax. In addition, I support refinements of our personal income tax to relieve the middle-income taxpayer of increased tax *rates* solely due to inflation. At a five percent annual rate of inflation, well over half of California's income taxpayers will be at the maximum rate of 11 percent in just 20 years. But the biggest changes will occur if the *Serrano* decision is upheld and the state is required to revise its method of financing our public schools.

Brown: 1. Change from the two-thirds majority which is currently required to a simple majority the legislative vote required to alter business taxes.
2. Eliminate the state's oil-depletion allowance.
3. Eliminate the home-office exemption for insurance companies.
4. Review tax structures to assure that tax burdens are borne as equitably as possible.

Do you favor construction of the Peripheral Canal around the San Joaquin Delta? Do you support or oppose the New Melones dam initiative? Do you support the American River flow ruling of the Water Resources Control Board?

Flournoy: I favor the construction of the Peripheral Canal *if it is operated to enhance water quality in the Delta*. The Peripheral Canal is vital to completion of the California Water Project and is supported by the Department of Fish and Game as essential to improved water quality in the Delta.

I also believe that the federally funded New Melones Dam should be completed. Nearly 30 percent of its total cost has already been spent. It will provide vitally needed flood control on the Stanislaus River. At the same time, I support the decision by the state Water Resources Control Board to prohibit filling of the dam until the Bureau of Reclamation can show specific need for the water it will impound. This is expected to be 10-15 years in the future. Meanwhile, "white water" recreation use of the river upstream from the dam can continue. When the need for all the dam's water is demonstrated, the lake created by the dam will actually open water-oriented recreation opportunities to a much greater number of people. When full, the also will provide these benefits: an improved downstream fishery if all the outflow is allowed to continue to the Delta; water-quality improvement in the Delta; and 300 million kilowatt hours per year of hydroelectric power.

The ruling of the state Water Resources Control Board supporting a minimum flow on the American River is one of the best rulings that has been made with respect to protecting and enhancing our environment. The American River is truly a unique asset for Sacramento and must be preserved. The recreational and esthetic impact is indeed tremendous and I am proud of what already has been accomplished for the American River.

Brown: I am presently reviewing projects such as the New Melones Dam and the Peripheral Canal and consulting with experts of differing perspectives. Until such review is completed, I am reserving judgment.

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the concept of prepaid health plans, but I believe tighter regulations and greater surveillance by the state is essential to protect the public. I believe a far higher priority must be placed on preventive treatment programs rather than "sick care".

Brown: 1. I would completely review the Reagan administration approach to prepaid health plans and establish greater liaison with the medical community in California.

2. Red tape should be cut out of welfare wherever possible and job training and expanded employment encouraged.

3. Child-care programs should be expanded.

What will you do in the state's fight against smog?

Brown: 1. Appoint people to the Air Resources Board who are truly qualified and committed to dramatically reducing air pollution.

2. Support legislation to establish regional air pollution authorities where necessary.

3. Provide stiffer fines for large industrial polluters.

4. Encourage comprehensive land-use and transportation planning to minimize air pollution.

Flournoy: I intend, if elected governor, to take a more vigorous and tougher line in the fight against smog. Progress has been made, but not nearly enough. The Air Resources Board, which is charged with stopping smog, must be insulated from politics and made into a full-time board of dedicated experts and citizens who will not be stopped in the fight against one of the major problems plaguing California. It will take substantially greater amounts of money and research, and it will mean inconveniences and costs to our motorists. I offer my total commitment to this fight. We cannot tolerate anything less.

Are you satisfied with what the state is doing in the field of consumer protection? If not, what will you do to improve the situation?

Brown: Present state policy with respect to consumer protection is not satisfactory. I would:

1. Expand the resources of the Department of Consumer Affairs to make the agency more responsive and cut its backlog.

2. Insure that the Department of Consumer Affairs represents the consumer of California before important regulatory agencies.

3. Appoint people to the various regulatory agencies who are independent and sympathetic to the needs of ordinary citizens.

4. Adopt state policies that encourage competition.

Flournoy: California has made good progress in the area of consumer protection, but much more remains to be done to provide a better balance between buyer and seller, to wipe out consumer fraud, to teach and inform all consumers of their rights and channels of redress available, and to attack ongoing marketplace problems. I would strengthen the Department of Consumer Affairs by giving its director greater power over the virtually autonomous regulatory boards in the department. I would strengthen the consumer law enforcement and consumer-education programs which are presently uncoordinated and underfunded. I would expect my Department of Consumer Affairs to lobby aggressively before the Legislature and the Public Utilities Commission on behalf of consumer programs.

What changes do you suggest in Medi-Cal and welfare?

Flournoy: Generally, the Welfare Reform Act of 1971 has worked well in straightening out a system that was in chaos and causing runaway costs. I intend to *build* upon that reform, making sure that those in need, and only those, will be helped. But we must take action to prevent dependency in the first place. We need more and better child-care facilities. We need a stronger commitment to job training. We must have a more vigorous job-placement service. And we need stronger emphasis on career education and technical training in our schools — training to prepare our young people for the jobs of the future.

In the area of Medi-Cal, I favor administrative reforms to reduce the excessive, and expensive, floodtide of forms and procedures in the claims processes. I support

What proposals do you have in the field of agriculture, specifically legislation to end farm-labor strife?

Flournoy: Farm-labor strife must be stopped or

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there will be chaos in agriculture, the state's No. 1 industry, as well as shortages of food and higher prices for the consumers. As governor, I would once and for all push for legislation which would establish supervised, secret-ballot elections for farm-workers and ban secondary boycotts. In the absence of federal action, the state must take an active role in developing a mechanism — somewhat like the National Labor Relations Act which governs almost all other labor-management relations — to mediate labor disputes and assure the farm-worker the right of self-determination. Farm-workers must have the opportunity to make an unrestrained choice in emotion-charged labor matters. Legislation covering unemployment insurance for farm-workers also is necessary. I believe the federal government should take action to provide unemployment insurance for farm-workers, but here again, California must be prepared to surge ahead alone, if Congress fails its responsibilities.

A strong and competitive agricultural industry is absolutely essential to California's economic well-being.

Brown: 1. The farm-labor dispute should be resolved through secret-ballot elections supervised by an appropriate state agency.

2. Expand the agricultural research support of the University of California.

3. Include the director of food and agriculture in the governor's cabinet so as to insure a strong voice for agriculture in administration policy.

What aspects of your administration will be felt most directly by the typical Californian?

Brown: As a Democrat, I will be able to work very closely with the Democratic Legislature. My administration will be characterized by energy and innovation and a willingness to tackle tough issues.

Flournoy: An open and honest administration coupled with a commitment to progress and stability will be the hallmarks of a Flournoy administration. It will be an administration in which all the people of this state will know they will be heard. Californians will know that a Flournoy administration is a responsive and responsible administration — responsive to human needs, responsible for spending taxpayer dollars wisely, and both responsive and responsible where human rights and individual needs conflict with governmental obligations.

The Journal as research tool

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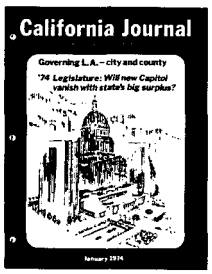

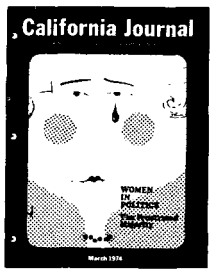

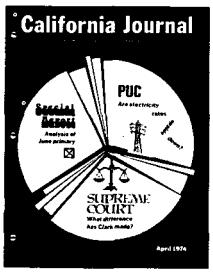

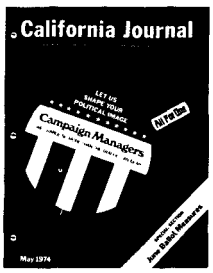

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The New McCarthyism:

- Slightly less power for the speaker
- Fewer but more powerful committees
- Subcommittees with some punch
- Fresh faces at the helm

The most quotable of recent California politicans, Jesse M. Unruh, once said, "If I had slain all my political enemies yesterday I wouldn't have any friends today." The man who aspires to break Unruh's record of seven and one-half years as speaker of the Assembly, Leo T. McCarthy, has adopted a similar theme as the hallmark of his custodianship of the state's second-most-powerful post. "I will work with anyone, past or present enemy, to develop programs to solve the problems of the state," McCarthy declared in a recent interview.

The new McCarthyism became evident on the very first day that the new Speaker presided over the Assembly. Conservative Republican Mike Antonovich, a strong supporter of McCarthy's rival, Willie L. Brown Jr., in the tight speakership contest, rose to make a procedural motion. A pro-McCarthy member challenged Antonovich. The Speaker might well have ruled against Antonovich in a show of strength; but instead, he gave his political enemy the benefit of the doubt.

Unlike his predecessors, Democrat McCarthy intends to spend more time presiding over the house and less time maneuvering backstage. (Many a previous speaker has made a similar pledge, only to find that the details of the office allow little time for presiding.) "I intend to apply the rules a little differently, more evenly," McCarthy explained. He believes that there is no harm in letting people talk when they feel they have something to say. To squelch them builds frustration, which can produce the kind of tensions that divides a house and causes political problems for a speaker. McCarthy does not want unlimited debate, however. He plans to consult with Republican leaders before every major debate so that perhaps three key advocates on each side can be selected in advance. After they have spoken, the Speaker will consider a motion to shut off debate.

This does not mean that, when choice appointments are made, McCarthy will treat those who opposed him with equal consideration as those who supported him. Some changes were made immediately after McCarthy took over from Bob Moretti; others are scheduled for this month, still others await the new Legislature, which will start work in December. One victim of McCarthy's victory apparently is the new Capitol project dear to the heart of Senator Randolph Collier, chairman of the Senate Finance Committee. Willie Brown had been working with Collier on the project and the Senator apparently tried to help Brown win the speakership by calling on key assemblymen. McCarthy has already spread the word that the Collier project is to be slowed. "The question is so momentous that a lot of people have to participate in the decision," McCarthy emphasized. "It can't be a one-man show."

Assemblyman Robert McLennan, a Republican, started a campaign earlier this year to strip the speaker of some of his almost-dictatorial powers, and there was speculation that Moretti's successor might accept some restriction on his power. Now that McCarthy has the job, how does he feel about reforms? The new Speaker will not give up the basic source of power — the right to name all committee chairmen and members (with the exception of six members of the Rules Committee, who are selected by the two party caucuses). Other than that, he's open to change. For example:

- McCarthy will accept a restriction preventing the speaker from removing a member from a committee in mid-season, which has been done occasionally in the past to get a desired vote from a committee.
- If committees are realigned, McCarthy may allow the Rules Committee — instead of himself — to refer bills to committee, but he makes it clear that he will surrender this power only if bill reference is a routine, ministerial function.

McCarthy believes that his goal of making the Assembly extremely productive in solving the state's problems requires a restructuring of committees. His prime recommendation will be to reduce the number of standing committees considerably, giving those that remain proportionately more power. He would eliminate those select and joint committees that he considers unnecessary. He would create permanent subcommittees of the standing committees and make them important. He views the subcommittees — one on air pollution with the Transportation Committee, for example — as the source of program development through efficient use of staff and strategic

The new speaker

Assemblyman Leo T. McCarthy was born in Auckland, New Zealand, in 1930, and moved to San Francisco four years later. He received his bachelor's degree from the University of San Francisco and his law degree from San Francisco Law School. He is an Air Force veteran and the father of four children. He was a member of the San Francisco Board of Supervisors from 1963 to 1968 and the California Commission on Aging from 1963 to 1967. McCarthy served as chairman of the Assembly Committee on Labor Relations and the Joint Committee on Aging.

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assignment of assemblymen. These subcommittee chairmanships, he emphasized, should be handed to those members of either party who have displayed both expert knowledge in a subject and a willingness to put it to work. McCarthy does not expect to carry a heavy legislative load himself but instead keep close watch on every issue before the Assembly and make sure that proposals are developed by these subcommittees. The Assembly Office of Research, which has been used at times as an extension of the speaker's office, will become available to all members on an equal basis, according to McCarthy.

The new speaker also has a few other changes in mind:

- The *Daily File* or agenda will list the dollar cost of each bill under discussion, as estimated by Legislative Analyst A. Alan Post.
- An effort will be made to make a matter of public record of those organizations leading campaigns for or against bills. These could be recorded in the *Daily File* and, in the case of sponsors of bills, on the bills themselves.

These will be among proposals discussed with the Democratic caucus in December as the new legislative session gets under way. These and other reforms are needed, the Speaker claims, to increase legislative accountability to the public by making more information on each piece of legislation open to public view.

McCarthy's pinnacle

McCarthy's style is not flamboyant and some may even consider him dull or conservative. But he is a hard worker who rises at 6 a.m. and goes to bed about midnight. He has a great capacity for detail and has strong, mainly liberal views on a great many subjects. He has few hobbies and spends much of his free time with his family. Brown would have made a much more dynamic speaker and probably would have immediately started looking toward a higher office, a recent tradition among speakers. To McCarthy, the speakership is the pinnacle of a legislative career, and it is problematical whether he will reach higher. He has made a definite commitment not to run for statewide office in 1978, and he considers it very important to his success as a speaker that his colleagues believe this.

Although the public saw a show of unanimous Democratic support for McCarthy after he defeated Brown 26-22 in the party caucus, the conflict is not over. Brown will be removed as chairman of the powerful Ways and Means Committee, and McCarthy is not sure where he will place his brilliant and articulate foe. McCarthy says that Brown lost the contest because of two factors — "an element of trust" and "a suffocating ego"; Brown, he explained, became so much of a wheeler-dealer that too many members did not feel they could trust him. McCarthy would hardly make such statements if peace had been fully restored. But there are signs that Brown has not quit the race and that efforts are under way to determine whether McCarthy can be ousted in December, when there will be many new faces in the house.

The key lieutenants

With the fall of Brown and of the Democratic floor leader under Moretti, Jack Fenton, who will be the kingpins in the McCarthy-led Assembly? Not necessarily in order of importance, here are the key McCarthy lieutenants (all Democrats):

Freshman Howard Berman, Fenton's replacement as floor leader.

Freshman Julian Dixon, the new caucus chairman (succeeding another McCarthy supporter, Ken Cory, who is running for state controller).

Veteran Leon Ralph, Rules Committee chairman (in place of John L. Burton, a Brown ally elected to Congress).

Veteran John F. Foran, McCarthy's law partner and Brown's likely successor as Ways and Means chairman.

Freshman Louis Papan, the Speaker's seatmate and close friend.

Veteran John J. Miller, chairman of the black caucus and the unofficially designated chairman of the Judiciary Committee.

Freshmen Ray Gonzales and Joe Montoya, who will be given choice committee assignments. Gonzales probably will head the Education Committee.

Veteran Edwin L. Z'berg, an early McCarthy backer who will be the Speaker's prime spokesman on environmental issues.

Who will fill key posts in the Assembly staff has yet to be decided, but the shakeup here may not be too severe since McCarthy does not have a large number of aides ready to step into key posts. His top assistant will be his long-time right-hand man, Arthur Agnos, 35, who narrowly escaped death a few months back when he was shot by San Francisco's "Zebra" killer. John Delury, who has been with McCarthy for several years, will serve in a yet-to-be-defined program-development role. Beyond these two, jobs are up for grabs.

How the game is played

The uncertainty about staff is only one indicator of a novel aspect of the McCarthy speakership: There is no track record on which to judge its potential effectiveness. If Brown had won, many of the key personalities in the Moretti organization would have remained in power. The staff of the Ways and Means Committee would have moved into the speaker's office. And Brown's method of operation was fairly well-known through his prior leadership efforts. Not so with McCarthy, who has hitherto not held a major leadership post. Nobody knows specifically how he is likely to operate as speaker. His key lieutenants, with rare exception, are newcomers to posts of power in the Assembly. Indeed, many are freshmen who have just begun to learn the intricacies of legislative politics.

One of McCarthy's biggest tasks may be to convince over-enthusiastic followers that he means what he says when he claims he will deal firmly but fairly with all members of the Assembly, even present and past political foes. The political game isn't always played that way.

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Legislature's $25 million staff:

Three years ago, the Journal surveyed California's legislative staff after a national study of state legislatures had called it "probably the outstanding feature of the California Legislature," which it rated first in the nation. That survey [see CJ, April 1971] found that California's 40 senators and 80 assemblymen did indeed have extensive resources. Since that survey was taken, the legislative staff has grown by 25 percent (from 1,500 employees to 1,875), its payroll increased by more than 50 percent (from $14,478,000 to $22,117,000). And on July 1st, the Senate and Assembly granted an additional 10 percent increase to their employees.

Who are the people pulling down these state salaries? How much of their work is legislative and how much is political? Finally, how have women and minorities fared in legislative hiring?

How much is spent for politics?

California taxpayers paid something like $22 million last year to furnish 1,875 employees to serve the 120 lawmakers they elected to represent them in Sacramento. Only 147 of those jobs are filled by competitive civil service examination. The remaining 1,728 jobs are filled by the two houses' rules committees and by the individual legislators following practices that are accountable, presumably, only to the political leadership. Whether these jobs are essentially political or not — and most are not — they represent a substantial potential pool of partisanship at the heart of the legislative process.

The line separating public interest and partisanship is at best fuzzy, and the result is the existence of a growing number of publicly financed partisan jobs — a conclusion that is difficult to document but generally accepted among staff members themselves.

There are four broad categories of staff: personal staff responsible to individual assemblymen and senators; central staff responsible to all the legislators; partisan staff responsible to the members of their party in each house; and committee staff responsible both to their chairmen and to all the members of the committee they serve.

Personal staff

Each lawmaker can hire a personal staff to operate the Capitol office and another maintained in the district (and, in some sprawling districts, there are more than one office). This staff includes secretarial help and administrative assistants whose jobs are a mixture of serving constituents and, inevitably, keeping their boss (and the paycheck he extends) in office. An obvious occupational hazard is to come to regard public interest and the boss' political survival as coincidental.

In addition to personal staff, legislators regularly tap the resources of a central or common staff. These employees are generally nonpartisan and work for the legislative analyst, legislative counsel, auditor general, steno pool and the sergeants-at-arms whose function is to do the bidding of the lawmakers [see "Duty-bound to protect and serve state's lawmakers," *CJ*, February 1974].

While these offices are conceived of as serving essential needs of legislators of whatever political party, a notable dilution of nonpartisanship took place under Assembly Speaker Bob Moretti's reign, during which he sought to develop a statewide political base for a run for the Democratic gubernatorial candidacy. Not only was he able to justify adding a "district" speaker's office in San Diego to those his predecessors had established in Los Angeles and San Francisco, apart from Moretti's own Assembly district office in North Hollywood, but he named a top staff aide, William Hauck, to direct the Assembly Office of Research, which became more conspicuously an extension of the speakers' office. Hauck and his research staff became deeply involved in Speaker Moretti's successful campaign against Governor Reagan's tax-limitation initiative last fall (Proposition One), which became a springboard for Moretti's unsuccessful gubernatorial bid.

It is a fuzzy line that separates research and legislative analysis from partisanship in the political world of the Legislature. (Even Legislative Analyst A. Alan Post, whose nonpartisan credentials have rarely been challenged, came under fire from Reagan for crossing this line, in the Governor's view, in analyzing the potential fiscal impact of Proposition One.) But since the Assembly Office of Research is responsive to the Rules Committee and, through it, to the speaker himself, it has shown itself increasingly in the Moretti years to be particularly vulnerable to partisan manipulation.

Hauck argues, however, that the Office of Research should not be judged on which legislators happen to use it more or to what use information obtained from the staff is put. The prime consideration, he emphasizes, should be whether assemblymen of both parties have equal access to the services; he maintains that they do.

Is partisanship bad?

Partisan political activity by publicly paid legislative (or executive) staff is generally considered inappropriate. But what is partisan political activity and what's wrong with it? Assuming that direct involvement in campaigns

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Dennis Dorch, a recent graduate in journalism from U.C. Riverside, spent his last quarter as an intern with the Journal *researching this article.*

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is not appropriate by committee staff and central staff available to all members regardless of party, does this also apply to vacation time or unpaid leave time? Does it also apply to legislator's personal staff? If a legislator's administrative assistant helps a constituent with a Cal-Vet loan problem, is that partisan political activity because it helps secure support for the next election? If a committee consultant conducts a study for a legislator on possible solutions to the energy problem, is that appropriate? What if the legislator happens to be running for governor? What if an administrative assistant spends his evenings walking precincts for his boss? What if a staff member helps sell tickets to a fund-raising testimonial dinner for a legislator? The distinction between doing a lawmaker's job and working for his reelection is at best blurred.

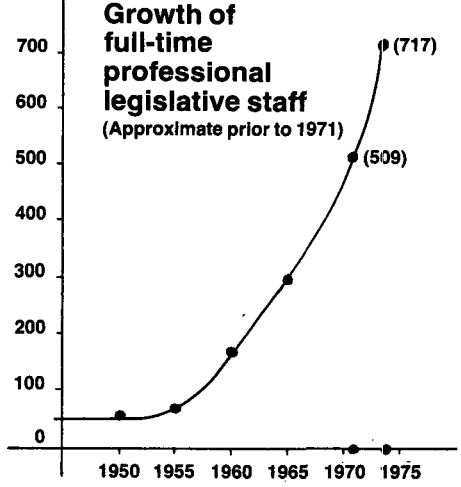
Partisan consultants

There is no such shadowy line dividing public interest and partisanship in one category of public-financed legislative job, however: The majority and minority consultants in both houses exist to serve the partisan interests and to meet the political needs of members of their respective parties.

On the Assembly side, the most prominent partisan staff members are the 18 professionals who work for the majority floor leader (and, through him, the speaker), and the 16 professionals working for the minority consultants and reporting to the minority floor leader. Although these people are supposed to provide legislation-related services to Democratic or Republican assemblymen, they are in fact year-round campaign consultants. In practice, this means that Democratic and Republican leaders designate the members who are to receive the consultants' special attention. These consultants then provide such special services as guidance in developing a legislative program, writing newsletters to constituents, planning reelection campaigns, composing brochures and defending the incumbents' records.

During campaigns, the consultants may work in key districts designated by the leadership. In some cases, this may require them to spend only an occasional day, but in others they work full-time at campaign headquarters. Some legislators are careful about the use of staff even designated partisan staff — in campaigns. Vacations and unpaid leave cover some of the campaign time.

More partisan jobs paid for by the public are found in the Assembly's majority and minority caucus staffs three for the Democratic majority, three for the Republican minority). Though the staff duties are essentially similar to those of the majority and minority consultants, they also include developing partisan positions on major legislative issues. In the Senate, there are eight majority caucus staff members and seven serving the minority.



Another category of legislative worker is the committee consultant. Working at the center of the legislative process, the 67 Assembly and 33 Senate committee consultants are a key to effective law-making. Their duties include analyzing bills, conducting research on specific problems related to pending legislation, organizing committee hearings and developing legislation for the committee.

The committee consultant often has tenure independent of the committee chairman and, typically, has considerable specialized knowledge in the committee's field of interest. Dave Doerr, chief consultant to the Assembly Revenue and Taxation Committee, for example, has served under four chairmen, two of whom were Republicans and two who were Democrats.

But partisanship is not unknown here, and it appears to be growing stronger. For instance, Tim Howe, who is consultant to the Assembly Committee on Intergovernmental Relations, took off nine days in the four weeks before the election to work in the Moretti-for-Governor campaign this spring; and Kevin Gupton, hired as consultant to Senator Ralph C. Dills' Committee on Governmental Organization, worked on Dills' reelection campaign until an opponent found out and shared the discovery with the press.

In the three years since the *Journal*'s last close look at staffing practices, the Assembly Rules Committee relinquished much of its role in the appointment process. Today, according to Fred Taugher, chief administrative officer of the Assembly Rules Committee: "The committee chairman can usually hire whomever he wants. Some consultants come from campaign organizations, usually the chairman's now, where it used to be the speaker's." Taugher concedes the partisan potential of this practice but suggests that such a background at least gives the

Growth in legislative staffing, March 1971 and March 1974

	TOTAL STAFF			PROFESSIONALS			SALARY BUDGET		
	1971	1974	Increase	1971	1974	Increase	1971	1974	Increase
Assembly	767	942	23%	217	263	21%	$6,000,000	$9,780,000	63%
Capitol 623									
District 319									
Senate	450	553	23%	135	234	73%	4,600,000	6,490,000	41%
Capitol 302									
District 251									
Joint Committees									
Legislative Analyst	63	72	14%	49	50	2%	1,005,000	1,116,000	11%
Auditor General	45	58	23%	41	48	17%	680,000	848,000	25%
Others	46	101	120%	16	64	300%	549,000	1,260,000	130%
Legislative Counsel	125	149	19%	51	58	14%	1,644,000	2,149,000	31%
TOTALS	**1,496**	**1,875**	**25%**	**509**	**717**	**41%**	**$14,478,000**	**$21,733,000**	**50%**

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lawmaker "a chance to see how the person works under pressure."

Staff growth

The Assembly, which increased its number of standing-committee consultants by only eight in the last three years, added 18 consultants to staff 12 of the Assembly's select committees. The Senate added nine consultants for its 11 select committees. Select committees, formed to study such specific short-term problems as medical malpractice and farm-labor violence, had virtually no staff in 1971. The select committees have no direct role in the legislative process, though they may recommend legislation for consideration by the standing committees. These committees also help make it possible for almost every legislator to be chairman of some committee — and for additional personal and political staff to be hired.

Women and minorities

The California Legislature, like many another big business, has only recently come to accept the proposition that, to bring the representation of women and minorities in the work force up to something approaching their numbers in society generally, a special recruitment effort is necessary. Among the legislative staff, the percentage of women and minority-group employees on the public payroll has increased since 1971, but it remains far below what the state's distribution of population would suggest as equitable. There were, however, these increases among legislative workers — clerical and professional — between March 1971 and March 1974:

- Women constitute more than half of the legislative staff, as they do of California's population, but only 16.5 percent of them hold jobs that are described as professional although sometimes the designation seems rather grand in relation to the duties performed. Nonetheless, this has about doubled the 8.7 percent noted in 1971.
- While 205 legislative employees earn more than the senators and assemblymen who employ them (and who are paid $19,200), only 11 of these people (five percent) are females — and only four are non-white or Chicano.
- While one in 10 staff members is non-white or Chicano — 172 employees — only 37 of them hold jobs described as professional (five percent of the 717 professional legislative jobs), and only four earn more than the lawmakers (two percent).

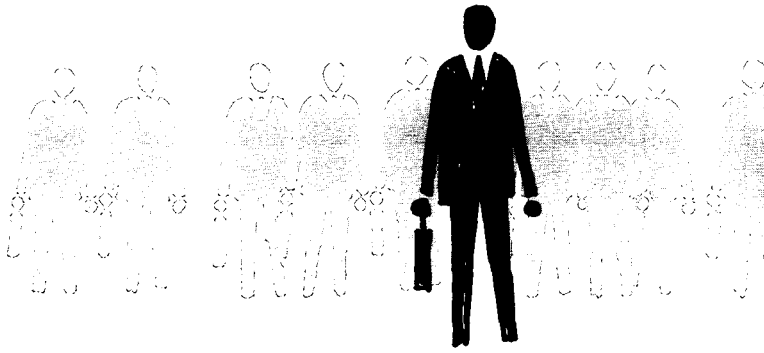
These findings suggest that more than lip-service is being paid to the principle of "affirmative action", or actively recruiting and encouraging under-represented segments of the population to apply for jobs. But they also confirm that much remains to be done since the modest advances registered occurred during a time when the staff was increasing substantially, from 1,500 employees in 1971 to 1,875 employees this year — 25 percent.

FEMALE REPRESENTATION

	1971			1974		
	Prof. Staff	Women	%	Staff	Women	%
Assembly	131	16	12.2	180	41	22.7
Senate	55	4	7.2	85	16	18.8
Joint	157	10	6.3	221	23	10.4
TOTALS	343	30	8.7	486	80	16.5

MINORITY REPRESENTATION

	1971			1974		
	Prof. Staff	Minorities	%	Staff	Minorities	%
Assembly	131	12	9.2	180	19	10.6
Senate	55	3	5.4	85	6	7.1
Joint	157	3	1.9	221	12	5.4
TOTALS	343	18	5.2	486	37	7.6



According to Fred Taugher, the chief administrative officer of the Assembly Rules Committee, "Although there is nothing formalized, the committee has made it clear to members that we are interested in hiring, particularly at the professional level, more representatives of minority groups and more females." Taugher noted that an analysis last year revealed that in 1972 "just under 50 percent of the professionals hired" were female. "That's not just a handful of people," he added. "It was 19 out of 40 hirings."

On the Senate side, the policy is not as clear cut; Taugher's counterpart in the upper house, John Williamson, ventured the belief that the Senate is seeking to hire more women and minorities. Neither house, however, has a formal "affirmative action" policy.

Highest salaries

While some progress has been noted in numbers of females and minority-group members hired over the last three years, the jobs filled were mostly at the lower level of a salary structure that ranged (before last month's average 10 percent raise) up to $40,932. As of March 31st, the highest-paid female employees ranked 18th, 37th and 76th, respectively ($29,244, $27,864 and $24,060) — and the recipients all work as attorneys in the legislative counsel's office, where the salaries are set by civil service. The fourth highest salary paid to a female employee (and figuring 99th in rank) is the highest set by the Legislature. The recipient — and there may be satisfaction or irony in this, depending on the onlooker — is principal consultant for the Joint Committee on Legal Equality (which can be translated as women's rights).

The highest paid legislative employees, with salaries of $40,932, are Legislative Analyst A. Alan Post and Legislative Counsel George Murphy. Dr. Paul O'Rourke, a physician who is special consultant to the Senate Office of Research, receives the next highest pay, $38,244, and the state's new auditor general, Harvey Rose, draws $34,284 annually. In all, 17 staff members earned more than $30,000, and these all performed essentially nonpartisan jobs (such as Assembly chief clerk, Post's and Murphy's top aides, and Assembly Sergeant-at-Arms Tony Beard).

Keeping the lobbyists at bay

Still, whatever criticism may be voiced regarding the proliferation of staff, high salaries, racial and sexual imbalance, and partisan political activity, hardly anyone advocates a return to the situation of 15 years ago when the Legislature had only a skeleton staff. [See "Legislative staff provides administrative support and professional aid," *CJ*, April 1974.] In those days, lawmakers were forced to depend almost entirely on the administrative branch, a handful of lawmakers who had developed some specialized knowledge and on lobbyists for information and policy options. Without an independent and professional staff, the influence of lobbyists would be even greater in the legislative decision-making process.

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Inflation's gift to the new governor: a $400 million surplus

As Bill Corum, the old New York sportswriter used to say in his radio commentary on boxing bouts, "It wasn't a particularly interesting round." Well, fiscal fans, it wasn't a particularly interesting state budget this year, either. To be sure, there was the end-of-June hassling that led to the formation of a second legislative conference committee on the budget bill. There was the historic factor of opening conference-committee meetings to the public for the first time. And Governor Reagan did veto some $107 million in allocations from the $10.2 billion legislative spending program. But in every significant way, it was strictly a pedestrian budget.

State Finance Director Wayne Orr and Legislative Analyst A. Alan Post agree that there was nothing especially controversial in the budget as originally introduced by Reagan in January, and the bill signed into law June 30th was equally non-controversial. The original budget totalled $9.8 billion, but the administration submitted additional items during the next five months raising the total to about $10.1 billion. What had made the budget of some interest in January was the uncertainty over the effect of the energy crisis, with Post claiming that Orr had been too optimistic. As it turned out, the petroleum shortage did not produce mass unemployment and skyrocketing welfare costs, though it did force the state to pay more for oil, gas and electricity. But these items were not nearly big enough to distort the original budget. Far more significant was another factor — inflation.

Financial cushion

The rise in the cost of living during the last fiscal year produced large unanticipated increases in revenue from taxes on sales, income and corporations. Thus, even with some $300 million in augmentations to Reagan's original budget, Orr now estimates that the state will end the fiscal year next June 30th with a surplus of about $400 million. And this takes into account the fact that the state is now starting to feel the adverse effects of inflation through salary hikes included in the budget and increased costs for goods and services under new contracts. What this means is that the new governor, whether Secretary of State Edmund G. Brown Jr. or Controller Houston I. Flournoy, will come into office with a comfortable financial cushion on which to build his first budget.

The $400 million surplus undoubtedly would be the greatest ever inherited by an incoming governor; it would amount to more than 10 percent of the state budget prior to the Reagan administration. Moreover, it is the first time since 1952 that a governor will take office without facing the prospect of a possible tax increase. (The budget, incidentally, takes note in several places of the impending change of command; it includes $165,000 for the pre-inauguration activities of the new governor, $35,000 for Reagan to wind up his affairs after leaving office and $7,500 for the official portrait of Reagan to be hung in the Capitol.)

Democrats in the Legislature raised a public howl when Reagan vetoed $107 million from the $10.2 billion package approved by the Legislature. They claimed that he had selected consumers, the jobless, the ill and the young for the most severe cuts. But an analysis of the actual reductions [see box] shows that most of the vetoes represent differences of opinion between the Legislature and the administration over how much programs will cost in the fiscal year. Should funds run short of any of these programs, the cuts could be restored next January by the new Legislature and administration.

Several other items that were cut represent projects that fall into the "pork barrel" category — public-works expenditures affecting primarily one section of the state. These include Gold Run Park and Candlestick Park marina. Some key Democrats say privately that they approved of most of the Governor's reductions.

$200 million conflict

Although the final budget total was close to what Reagan sought, that does not mean that the appropriations were precisely what he requested. The Legislature eliminated $30 million toward refurbishing of the Capitol and $26 million for a new state office building in Los Angeles. In turn, Reagan approved about 40 appropriations amounting to about $50 million inserted into the budget by the Legislature. Here are totals of the various versions of the budget:

Requested by Reagan — $10.16 billion.
Assembly version — $10.21 billion.
Senate version — $10.17 billion.
First conference committee proposal — $10.32 billion.
Second conference committee report approved by Legislature — $10.24 billion.
Blue-penciled version signed by Reagan — $10.13 billion.

Thus, the entire budgetary conflict involved about $200 million — about two percent of the total.

The first conference committee was headed by Senator Randolph Collier, the Democratic chairman of the Senate Finance Committee. It also included Senators Alfred Alquist, a Democrat, and Fred Marler, a Republican, and Assembly Democrats Willie L. Brown Jr. and Charles Warren and Republican Frank Lanterman. This so-called free conference committee met in public for the

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first time, giving other legislators a better opportunity to know what was in the budget when it returned to the floor of the two houses for final consideration. Marler refused to sign the conference report, claiming that the committee had larded the budget with pork-barrel items that had never been discussed at regular budget hearings and were of special importance to the other members of the committee. These included a variety of projects for Collier, the Candlestick marina for Brown and $10 million in mental health funds desired by Lanterman.

When the conference committee report reached the Senate floor, Senator John Holmdahl, an Alameda County Democrat, launched a devastating attack on Collier for loading the budget with his pet projects without proper hearings. Friends of Marler, who had been treated less than kindly by Collier during the conference committee session, joined the bipartisan attack. Senator Anthony Beilenson, reputedly one of the most free-spending members of the Legislature, criticized some of the appropriations. The report was rejected on a roll call of 14 ayes and 22 noes, with 27 votes needed for approval.

The second conference committee was headed by Beilenson. It included Democrat Walter Stiern (Holmdahl's friend and seatmate), Republican Senator Howard Way, and Assemblymen Ken Cory and John Miller, both Democrats, and Republican Ernest Mobley. This group cut $81 million in so-called pork and restored a $5.5 million allocation for an experimental smog-inspection program in Southern California. (The smog appropriation was subsequently reduced by Reagan.) This report was approved on roll calls of 68-6 in the Assembly and 27-4 in the Senate. Despite a constitutional requirement that the budget be passed before June 15th, Reagan had two days to study, trim and sign the budget before the new fiscal year began at midnight June 30th.

The rejection of the first report was probably more of a personal rebuke of Collier than it was an expression of displeasure with the report. Holmdahl, normally taciturn, has had a feud with Collier going back to the early 1960s, when Holmdahl served on the Senate Transportation Committee under Collier. Their dislike for one another has surfaced periodically in the Finance Committee, but this was the first time that Holmdahl was able to defeat his foe so dramatically.

According to Orr, Collier is also gradually losing ground in his long campaign to build what amounts to a

The Governor's major budget cuts

Governor Ronald Reagan blue-pencilled items totaling $107 million before signing a $10.133 billion budget into law for the fiscal year that started July 1st. Here are the item vetoes of 71 million or more:

Consumers. $1 million from the Department of Justice for antitrust and consumer-protection activities. Reason cited: *Sufficient funds were allocated for the department to carry on its activities in these areas.*

Arts. $1.1 million from the California Arts Commission for grants to stimulate art activity. Reason: *The $1 million left in the budget is sufficient to stimulate interest and innovation in the arts.*

Open space. $4 million for reimbursement to local government under the Williamson open-space law. Reason: *The program will be adequately funded with $16 million.*

Salaries. $2.5 million in special salary increases for those at the upper executive, management and professional levels. Reason: *The problem of compaction – an executive getting only a hair more than his top underling – cannot be solved until state elected officials receive salary hikes.*

Career development. $3.5 million from the State Personnel Board to increase expenditure for the board's career-opportunities-development program. Reason: *Although federal support has been cut, there is a sufficient backlog of unfilled job slots to enable the board to meet its responsibilities.*

License plates. $2 million from the Department of Motor Vehicles, primarily to initiate use of reflectorized license plates and to implement year-round vehicle registration. Reasons: *The required two bids have not been received on reflectorized plates, and the year-round program cannot be started until 1976.*

Smog. $3 million from the Air Resources Board for institution of a vehicle inspection program in Southern California. Reason: *$2.6 million will be sufficient to carry out the program this fiscal year.*

Candlestick marina. $3 million from the Department of Navigation and Ocean Development for construction of a Candlestick Park Marina in San Francisco. Reason: *The project is not ready for property acquisition and the project may not qualify for state funds.*

Mental health. $17 million in mental-health assistance to local government. Reason: *Budgeted funds are sufficient to meet anticipated costs.*

Narcotics. $2.5 million in local assistance for the narcotics and drug-abuse program. Reason: *With federal funds, $5.3 million will be sufficient to meet anticipated caseload.*

Health. $6 million for mental-hygiene activities of the Department of Health. Reason: *$182 million will be sufficient to meet anticipated caseload.*

Medi-Cal. $3.3 million from the Health Care Deposit Fund to initiate a two-county prototype project for delivering Medi-Cal services. Reason: *The objectives have already been achieved in another prototype project.*

Child health. $5 million for a new child-health disability-screening program. Reason: *$4.4 million will be sufficient to launch the program.*

Gifted children. $4.2 million for the mentally gifted minors program. Reason: *This program, which has some problems, is already getting a 10.4 percent increase.*

Bilingual. $4 million from the Department of Education's bilingual education program. Reason: *Expansion of this program beyond the current $4 million a year should be held up pending an evaluation of the effectiveness of the program.*

Compensatory Education. $1.2 million for a professional development center for compensatory education teachers. Reason: *After several years of experimentation, this operation has proved too expensive to justify the appropriation.*

Educationally handicapped. $6.5 million in grants to local school districts for the educationally handicapped. Reason: *There are questions about the effectiveness and equity of fund distribution under this program.*

Reading. $2.3 million for the special elementary-school reading program. Reason: *This is an overlap of services under the Early Childhood Education Program, which is expanding by $15 million.*

Children's centers. $2 million in funds for support of children's centers. Reason: *This would continue, as an ongoing state cost, funds that were granted last year solely as a "one-time bonus."*

University of California. $5.5 million in various items for U.C. (Reasons vary according to item.)

State colleges. $4.5 million in various items for the California State University and Colleges. (Reasons vary according to item.)

Office building. $1.5 million for working drawings for a new state office building in Sacramento. Reason: *The project is premature, and a reevaluation of the Capital Master Plan is needed.*

Gold Run. $1.3 million for a new recreation center at Gold Run (Placer County). Reason: *This project should not be financed out of the general fund.*

Beach. $1.1 million for acquisition of beach property, primarily Fort Funston in San Francisco. Reason: *The property is already owned by the public and is under consideration for inclusion in the Golden Gate National Recreation Area.*

Ventura project. $3.2 million for purchase of beach area near Channel Island Harbor in Ventura County. Reason: *The area does not meet the criteria of statewide interest and should be considered as a local project.*

Park grants. $3 million for various local park and recreation grants under the bond act approved in June. Reason: *Necessary procedural steps have not been completed prior to appropriating these funds.*

Child development. $2.4 million as a reappropriation of unexpended child-development funds to replace a loss of federal grants. Reason: *Pending federal legislation would eliminate this loss. Otherwise, there is time to act on the problem in 1975.*

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new Capitol east of the present structure. Last year, Collier obtained a $42 million down-payment on the project — $21 million for refurbishing the Capitol and $21 million toward building a new one. Reagan and Collier had sought another $30 million this year, with $21 million of it going to the old Capitol. That would leave a total of $30 million for a new legislative office building — 400,000 feet of space at $75 a foot — but that would not build the kind of grand structure sought by Collier.

Orr said that legislators are coming around to the governor's position that the Capitol should be retained and a satellite office building added. A year ago, Collier was talking about prompt construction of the new capitol; at the rate planning is proceeding, the earliest the project could get under way would be 1976.

Pay raises

The budget contained the same pay raises for state employees as originally proposed by Reagan — 4.5 percent across-the-board for regular state workers, plus the equivalent of an additional one percent to eliminate inequities, and 5.4 percent for higher-education instructional personnel. (This is in addition to the 4.5 percent raise state workers received in May when the federal freeze on part of last year's pay hike was thawed.)

The big increase over the January budget was some $27 million added to the Medi-Cal program to cover a $79 million deficit in the last fiscal year and provide $169 million more for this year. The budget also contains $1.1 billion in property-tax relief, and two-thirds of the appropriations are allocated to school districts and local government. Half the general-fund budget goes to schools, with public schools getting $170 million more this year and the University of California and the State University and College system an additional $85 million. In his budget message in January, the Governor emphasized an intent to institute year-round registration of motor vehicles, but he found that the system could not be installed rapidly and so vetoed this item from the budget bill.

Randolph Collier

With Reagan leaving office, the Department of Finance now is beginning preparation of next year's spending program. This means that the Legislature will get three budgets next year — in January what Reagan would have proposed had he still been in office, a couple of months later a preliminary proposal from Brown or Flournoy, and in May the real proposal of the new administration.

Insofar as the Legislature is concerned, the selection of Orr's successor will be important. Under Orr, the Department of Finance has regained the confidence it once had as a straightforward delineator of information about state revenue and expenditures. For the decade prior to Orr's appointment, the department — and especially the directorship — was used as a propaganda arm of the governor's office. During Hale Champion's term, the then-speaker of the Assembly, Jesse Unruh, repeatedly attacked the department and its reliability as a source of information for the Legislature. Even after Champion left, Unruh kept up his attacks, and the department was suspect in legislative fiscal committees, especially in the lower house.

Orr has managed to serve as Reagan's fiscal spokesman while remaining on good terms with legislators of both parties, primarily by refraining from employing political rhetoric. The Legislature acknowledged Orr's work by placing a $20 million item in this year's budget to be used for meeting anticipated costs of inflation at the discretion of the Director of Finance. ED SALZMAN

It was said . . .

We don't want working women to be considered deviates any longer when it takes two to tango. Hookers are being ripped off by customers to a great extent. These women can't even call the police if they're raped.

. . . by Margo St. James, founder of Call Off Your Old Tired Ethics (COYOTE), an association of prostitutes.

What we have is not so much proper representative government, but government in response to the squeaking wheel.

. . . by Mayor Pete Wilson of San Diego, speaking to the San Francisco Commonwealth Club.

You've been magnificent on the big things — conventions, assassinations, Watergate hearings. But in the day-in, day-out business of covering politics and covering government, you've too often been lazy, naive or indifferent.

. . . by Republican gubernatorial nominee Houston I. Flournoy, addressing the Broadcasters' Association of Northern California.

Let's put it this way: I held a news conference in April and nobody came.

. . . by Elizabeth Keathley, Peace and Freedom Party gubernatorial candidate, in explaining her full disclosure while campaigning on a nude beach.

Almost anybody who gets to the presidency is a miserable s.o.b. because he's got to go over an awful lot of bodies to get there.

. . . by former Nixon aide and Reagan press secretary Lyn Nofziger, speaking to 75 high-school students attending a Junior Statesmen summer school in Sacramento.

The only reason they need more space is to hire more people — and they don't need more people.

. . . by former state Senator Hugh M. Burns, commenting on the need for a legislative office building.

I have not been a leader or a mover or a shaker. I have just been one of those blacksmiths at the forge of democracy.

. . . by retiring Representative Richard Hanna of California.

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Which chief should run the Division of Forestry?

By BRUCE KEPPEL

It's forest-fire season in California, and the Division of Forestry's crews are putting out the brushfires and flare-ups that can lead to devastating conflagrations. So far in 1974, however, the biggest fire was set by the director of the division's parent unit, the Department of Conservation, Ray B. Hunter. That fire has now been damped down, but resentment continues to smoulder in the semi-military units of the Division of Forestry.

Director Hunter came to the Department of Conservation in September 1972 with a conviction that the ways of bureaucracy could be bewilderingly slow and needlessly frustrating. His desire — and style — is to get things done, and the sooner the better. Two episodes — conversion of some aircraft and construction of a landing strip — quickly established a reputation for fast if not hasty action. Both projects came under sharp criticism from the Legislature because the work was begun before normal state contracting procedures were followed.

Then Hunter decided to take on the Division of Forestry.

Hunter had gained the impression that too many forestry personnel were stationed in Sacramento. While there are plenty of political fires in the capital, he reasoned, there are no forests at all. He also saw duplication in personnel and housekeeping functions between his department and the division, so Hunter decided to eliminate this in favor of himself by transferring division personnel to the department's headquarters. (His predecessor, James G. Stearns, who is now secretary of the Agriculture and Services Agency, shared this conviction.) Hunter didn't find any great enthusiasm for change within the division, whose civil-service personnel figured that since their fire-fighting and fire-protection records were not in question there was no reason to alter the organization. The leading advocate for maintaining the status quo was, not surprisingly, the division's chief, State Forester Lewis Moran, a career professional.

Tail and the dog

Hunter was disturbed also by the fact that his department doesn't amount to much, since the division accounts for an estimated 94 percent of the budget. As an aide described the situation, "The Forestry tail wags the Conservation dog." Governor Reagan appointed Hunter as the department's top dog, and it rankled Hunter, since the state forester's responsibilities are set out in state law, that a division chief exercised so much independence. After all, it was Director Hunter, not State Forester Moran, who had to defend the Division of Forestry's budget before the administration and the Legislature, and yet he had little if any control over how the division was run or the funds were spent.

Finding little receptivity among the professionals in forestry, Hunter turned to a few close aides and began to study ways of "decentralizing" the division — to get more firefighters fighting fires. His plan — which an aide called "a well-kept secret" — was sprung on January 16th. The department described the reorganization in its press release the next day as possibly involving a reduction of up to 40 percent of Sacramento personnel, to be done by reassignment to the field. "We're going to consolidate and streamline our operation here in Sacramento," Hunter explained, "and wherever practical we're going to send our professional staff out in the field. All the action is in the five district organizations in California, and that's where we want the workers to be. We felt there were just too many employees based in Sacramento."

Moran's response

The response was hardly encouraging. Moran protested publicly. The Senate Committee on Natural Resources and Wildlife and the Assembly Committee on Natural Resources and Conservation called a joint hearing February 6th and heard mostly opposition to Hunter's planned reorganization. Moran himself testified. "The reorganization plan, as I see it," he told the committees, "does make changes and I think it diminishes the role of state forester. I am less able to do some things and to make some decisions. I am going to be held accountable but I am not going to be able to make the decisions."

Neither was Legislative Analyst A. Alan Post particularly appreciative of Hunter's approach. "I wouldn't give the director any compliments," he told the legislators. Post's analysis concluded succinctly: "It is important to point out that the reorganization was inadequately planned, its management objective inadequately defined, and its anticipated benefits vague."

Concern that the reorganization was somehow aimed at weakening implementation of the new Forest Practices Act, that as of January 1st set up strict rules covering exploitation of state forest land, seems not to have been warranted. The fact that, at the time Hunter brought out his reorganization, Governor Reagan had not yet appointed the new Board of Forestry to carry out the act, which private timber interests had opposed, fueled this concern. [See "While the Legislature studies new logging rules, the state's private timber reserve dwindles," *CJ* November 1972.]

Hunter subsequently reduced the scope of his reorganization plan. Indeed, what it amounted to by the end of February was a transfer of one construction inspector and five assistant deputy state foresters from Sacramento to the field; other contemplated manpower shifts were dropped. Perhaps most significant, in terms of Hunter's concern for his authority and departmental efficiency, was the reassignment to the department of 18 Division of Forestry staff members (about 16 percent of the division's headquarter's staff). This, the legislative analyst observed, removed them bureaucratically further from the field, leading to the conclusion that "decentralization was not in fact a significant accomplish-

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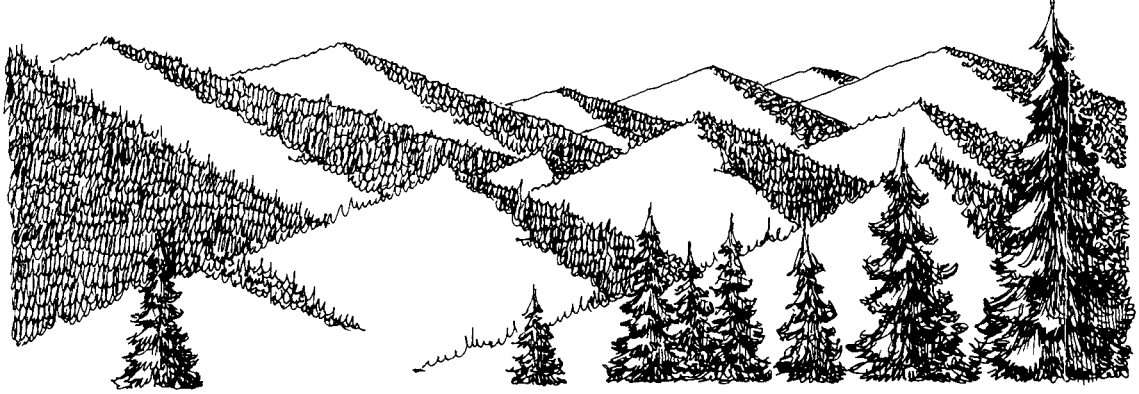

ment." The analysis did concede one benefit — "the only positive benefit" — in consolidating administrative services, "which conforms the department to the standard pattern of state organization."

Employees react

This still didn't sit very well with State Forester Moran — and not at all well with his staff. The unit managers and staff felt strongly enough to write a "Mr. Hunter" letter on March 7th summarizing their feeling:

> 1. If you have an impression there is general field support for the reorganization, be assured that this is not so. We strongly disagree with the manner in which the reorganization was devised and carried out. We feel you did not consult adequately with State Forester Lew Moran and did not give him nor the new state Board of Forestry opportunity to review and make recommendations. . . .
> 2. We feel you did not make use of Governor Reagan's "meet and confer" policy in communicating the reorganization to the employees of the division.
> 3. We are concerned about the diminished authority of the state forester under the reorganization. We are also concerned and distressed about the lack of a unified command and clear channels of authority at the top levels of the division, which has resulted in decreasing effectiveness of field operations.
> 4. The manner in which the reorganization is being executed has produced considerable confusion and morale problems. . . .

Hunter's reaction was to demote Moran on April 15th, placing him back in his civil service job of chief deputy state forester. "I just don't believe he has ever exerted the type of leadership he should have," Hunter said. ". . . He took a position counter to mine on the reassignment and other things. I want a person who can move out. I am not going to make all of the decisions for them. I need a firm leader over there."

Moran's demotion brought an expression of "deep concern" from the newly appointed members of the Board of Forestry, who sought to bring pressure on Governor Reagan to overrule Hunter. Then, the directors of the 2,000-member California Division of Forestry Employees Association called for Hunter's resignation for having been "capricious, irresponsible and arbitrary." Don C. Banghart, the association's president, called Hunter's actions "the last straw", explaining: "Since Hunter has assumed the responsibilities of director of conservation there has been an unprecedented wave of unrest and confusion with blatant disregard of established lines of authority and communication."

The employees' call for Hunter's resignation coincided with an abrupt "reconciliation" between Hunter and Moran. In exchange for getting his state forester's job back, Moran agreed to go along with what remained of Hunter's reorganization. In a joint statement, Moran and Hunter pledged to "go forward together in a spirit of understanding and cooperation toward the accomplishment of our public mission."

The employees' representatives express some disappointment today that Moran signed the agreement with Hunter, but it may be that Moran realized that the degree of change now was hardly substantial and that, in any case, the Reagan administration is in its closing days; with it will go Hunter.

The incident was significant in one unexpected way, however: It provided a rare view of internal administrative conflict. A hallmark of Reagan's rule has been imposition of an almost militaristic chain-of-command through the agency secretaries, who are members of his cabinet and have responsibility for reconciling any differences between departments before they emerge at legislative hearings or in the press. [See "Executive agencies before the Legislature," *CJ*, December 1972.] In this case, the Governor asked Resources Secretary Norman Livermore to mediate the dispute, Hunter said, adding: "There was give and take."

And it may be significant ultimately in yet another way — abolition of Hunter's department. Assemblyman Edwin Z'berg, chairman of the Assembly Committee on Natural Resources and Conservation, remains disturbed by Hunter's actions. Z'berg maintains that even the amount of change that did go through weakened the professionalism of the division and its clearly set forth chain-of-command structure. "It's semi-military in its organization," he explained, "so when you split that up and give some of that authority to another, you're weakening it. Morale is low." Z'berg's solution is to recast the present Division of Forestry as a department, and his proposal to do so, AB 3569, is now before the Senate.

Department of Forestry?

Though Hunter has declared his support for the concept of a Department of Forestry, he has declined to support Z'berg's version of it since, in his view, it would carry over intact the present arrangement that Hunter finds unacceptable. To him, the director — political appointee though he may be — is still the operative director, the responsible authority. And that view of political authority is the essence of the Reagan administration — and a concept that, until Hunter's reorganization strategy blew up, had eluded public awareness.

If anything substantial underlies the Hunter-Moran brouhaha, it may be precisely this question of whether the public interest is best embodied by the appointed representative of an elected official or by a professional accountable to tradition and a 70-year accretion of state law. The Z'berg proposal could provide a vehicle for such an inquiry into how best to serve the public interest in managing the state's forest land, preventing and fighting forest fires, and conserving our natural resources.

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Yet another view of *Serrano*

The initial legislative reaction to the most recent Serrano v. Priest *school-financing decision was that a new method of funding California's public schools must soon be revised. Then there came a suggestion that the problem might be avoided through a constitutional amendment legalizing the present system. The authors of the following article maintain that the state Supreme Court may now declare the status quo constitutional, making legislative action unnecessary.*

BY RONALD A. ZUMBRUN and JOHN H. FINDLEY

It has been assumed by many that one of the single most important tasks facing the California Legislature is to find a solution to the legal problems of public school financing. [See *CJ*, May and June 1974.] Both the California Supreme Court and more recently the Los Angeles Superior Court have found the existing school financing system to be unconstitutional in the case of *Serrano* v. *Priest*. A careful reexamination of the California Supreme Court's original decision, however, discloses that the California Legislature need not act until the matter is further considered by the California Supreme Court.

On August 30, 1971, the state Supreme Court ruled that John Serrano and the members of the class he represented (public school children and their parents) had raised substantial questions as to the legality of the existing system of financing the public schools and were entitled to have their arguments considered. The court emphasized that its decision was not a final judgment on the merits of the plaintiffs' arguments but merely an authorization for the case to be tried in the lower court, where it had been dismissed on the ground that the plaintiffs had no legal basis for the complaint.

One notable aspect of the state Supreme Court's decision was the ruling that if all the facts alleged by Serrano were true, the school-financing system violated the equal-protection clause of the United States Constitution because of the substantial dependence on local property taxes, which yield widely varying revenues to support public schools. In a more recent case, however, the Supreme Court ruled that a similar system of school financing in Texas (*San Antonio School District* v. *Rodriguez*, 1973) did not violate the federal equal-protection clause.

Thus foreclosed from relying upon the state Supreme Court's interpretation of the federal equal-protection clause, the Los Angeles Superior Court in April nonetheless found that the school-financing system violated the California Constitution. This argument had been presented to the state Supreme Court, which assiduously avoided it and relied instead on the federal Constitution — apparently in the belief that the disputed school-financing system was authorized by the state Constitution. "The school-funding scheme is mandated in every detail by the California Constitution and statutes," the court noted. The school districts' boundary lines, which determine the local wealth of each district, were drawn under the authority of Article IX, Section 14 of the state Constitution as well as provisions of the Education Code, the court explained. Moreover, the Legislature has authorized county government, pursuant to Article IX, Section 6 of the state Constitution, to levy school-district taxes on real property at a rate necessary to meet the district's annual education budget. In avoiding the state constitutional arguments presented by *Serrano*, the California Supreme Court found that Article IX, Section 6 "authorizes the very element of the fiscal system of which plaintiffs complain."

In its decision, the Los Angeles Superior Court relied on Article I, Sections 11 and 21, which have been construed as substantially equivalent to the Fourteenth Amendment of the U.S. Constitution. However, the California Supreme Court stated in *Serrano* that where constitutional provisions can reasonably be construed to avoid a conflict, such an interpretation should be adopted. In *Serrano* (5 Cal. 3d 596), the state Supreme Court stated that Article IX, Section 5 of the California Constitution (requiring "a system of common schools") should not be construed to apply to school financing if this would clash with Section 6, which specifically authorizes the current system of financing. The state Supreme Court also observed (*Serrano*, page 596) that if Sections 5 and 6 were found irreconcilable, Section 6 would prevail because it is more specific and was adopted more recently. The constitutional provisions that created and govern the system of school financing are, of course, more specific than the general Sections 11 and 21 relied on by the Los Angeles Superior Court; they were also adopted recently. The language contained in the California Supreme Court's original *Serrano* decision thus supports the conclusion that the constitutionally mandated school-financing system will be upheld.

Further support comes from the revelation that while a few "wealthy" school districts, such as Beverly Hills, do contain wealthy people and some "poor" districts do contain poor people, the opposite is true in many instances. A "school district is 'wealthy' in terms of its property-tax base — not because it includes expensive homes, but because it has substantial amounts of commercial and industrial property within its borders. Such districts typically include the central cities and the industrial areas, whose residents are more likely to be members of ethnic minority groups or to have lower incomes than the population as a whole. On the other hand, the low-density, high-income suburbs on the outer fringes of California's metropolitan areas are "poor" in terms of assessed valuation precisely because they have excluded heavy industrial development and have rigidly controlled construction of apartments and office buildings, and installation of light industry." [See "An easy way out of *Serrano* — legalizing the status quo," *CJ*, June 1974.].

With the federal questions disposed of by the federal courts and, in light of the state Supreme Court's initial evaluation of state issues, new legislation or constitutional amendments could add unnecessary confusion. Indeed, the initial decision of the California Supreme Court contains strong suggestions that the same ruling that created the problem may also contain the solution.

Ronald A. Zumbrun is legal director and John H. Findley is a staff attorney with Pacific Legal Foundation, a non-profit business-supported public-interest law firm based in Sacramento. The Foundation has been especially active in countering legal efforts of environmental and welfare-rights organizations.

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Significant court actions

Setbacks for Reagan

Two policies of the Reagan administration were struck down by the state Supreme Court. One reduced welfare benefits under certain circumstances. The other delayed the start of a smog-control program for a year to conserve gasoline.

In a unanimous opinion written by Justice Stanley Mosk, the court ruled that the state Air Resources Board acted illegally last December when it delayed the installation of oxides-of-nitrogen exhaust-control devices on vehicles built between 1966 and 1970. The board justified the delay by invoking the energy crisis. The law permits adjustments for "extraordinary and compelling reasons" — even though the delay would result in the emission of 100 tons of oxides of nitrogen (NOx). The court held in *Clean Air Constituency* v *State Air Resources Board* that the "extraordinary and compelling reasons" must involve the reduction of smog, not conservation of fuel. The court held that the Legislature recognized that use of NOx devices would increase gasoline consumption and gave clean air a higher priority than gasoline, and that only the Legislature can change that priority.

Governor Reagan recast the board last year in order to delay the NOx program. The man he selected as chairman, former Republican Assemblyman Charles J. Conradd, described the court ruling as "politically motivated". Nevertheless, the board promptly established a new schedule for installation of the devices, with September 30th the first deadline (affecting only those with one as the last number on the license plate). The final deadline, for those with zero as the last number, will be June 30th, 1975.

Welfare rulings

In the welfare cases, the court found that two administrative regulations of the state Department of Social Welfare, ostensibly invoked to implement the 1971 Welfare Reform Act, are invalid because they conflict with the statute. In twin 4-3 rulings, the court prohibited benefit reductions for those in the aid-to-needy-children program in cases where recipients share housing with other welfare families or are taken into the homes of "non-needy" relatives. Justice Mathew O. Tobriner wrote the majority opinion in both cases, *Cooper* v *Swoap* and *Waits* v *Swoap*. He was joined by Chief Justice Donald Wright and Justices Mosk and Raymond Sullivan. Justice Louis Burke wrote a dissenting opinion, joined by Justice Marshall McComb. Justice William P. Clark filed a separate dissent.

The first case was brought by Laura Cooper on behalf of her five children and Moice Palladino, a welfare recipient with a child on AFDC. The regulation reduced their combined benefits from $435 a month to $379 under the theory that their housing costs were lower since they shared quarters. The majority opinion emphasized that during legislative consideration of the 1971 act an administration proposal identical to the regulation had been rejected on three separate occasions. Tobriner also pointed out that the regulation conflicts with the act's entire flat-grant concept. Justice Burke contended that common sense would require that the actual cost of housing be taken into account when a recipient's resources are estimated for assistance purposes.

The other case involved three families who lost large portions of their grants because children were living with non-welfare families. One grant was cut from $115 a month to $48. The majority based its decision on the same basic ground as in the Cooper case, but added that it is erroneous to think that a non-needy relative is willing and able to provide free housing to AFDC children. In his dissent, Justice Burke said the regulation should be valid because it would limit payment to the truly needy. He said California taxpayers may be surprised to learn that the majority decision will require the state to make a full grant to a wealthy person housing an AFDC child, despite the fact that he may incur no increased cost in doing so.

For whom the bell's toll?

Mona Waters is a real estate broker who claims that Pacific Telephone failed to install her phones properly, disconnected them without permission and otherwise provided her with such poor service that she suffered $75,000 in damages. Is she entitled to sue for damages, or is she limited to claiming a credit on her monthly bill?

In an 8-1 decision, with Justice Mosk dissenting, the Supreme Court found that the company, even when negligent, cannot be docked more than the normal charge for the time that proper service was not provided. In *Waters* v *Pacific Telephone Co.*, Justice Louuis H. Burke and five colleagues ruled that the tariffs established by the state Public Utilities Commission prohibit suits for damages. Justice Mosk said that the law requiring utilities to maintain adequate service for their patrons and making them liable for their unlawful acts renders the PUC policy ineffective.

Exclusive rights

The California Real Estate Association has a standard exclusive-right-to-sell form guaranteeing a broker the exclusive and irrevocable right to sell a parcel of property for a specified length of time. If the property is sold during that time, the broker is ettitled to a commission of six percent of the sales price; if the parcel is withdrawn from sale the broker is entitled to six percent of the asking price. Erica Borden signed such an agreement with Ben Blank in an apparent effort to dispose of her Palm Springs weekend home, but she withdrew the property from the market before the seven-month contract period expired.

In *Blank* v *Borden*, the court upheld the validity of the agreement and ruled that Borden owed Blank six percent of the asking price. The majority in the 5-2 decision emphasized that Borden had a variety of choices available as a means of offering the property for sale and took one of her options. The dissenters, Justices Burke and Tobriner, argued that the penalty was more in the form of damages than a commission and that Blank was entitled only to the reasonable value of his services up to the date the property was withdrawn from the market.

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California *NEWSBRIEFS*

Democratic margin surprisingly wide in Senate contest

Democrat Omer Rains of Ventura County defeated Republican Assemblyman W. Don MacGillivray of Santa Barbara by an unexpectedly wide margin in a special election July 2nd to fill a vacancy caused by the election of Republican Robert J. Lagomarsino of Ojai to Congress. The election returns: Rains, 55,192 or 58.9%; MacGillivray, 38,662 or 41.1%. Rains, a 32-year-old attorney, carried Santa Barbara County by an even larger margin than his home county. His victory raised the Democratic advantage in the Legislature's upper house to 22 to 18.

With the anticipated low voter turnout and the traditional Republican high-powered special-election machinery in action, the early line on the race was that Rains had a chance to win a squeaker. His smashing victory can be attributed to these factors: the Watergate effect on Republican candidates generally, the Democrat's superior campaigning ability and strong image as a reformer and environmentalist, and a general disenchantment with MacGillivray.

Omer Rains

MacGillivray, who barely won reelection two years ago, now is the underdog against Rains for their rematch in November. Lagomarsino and Governor Reagan had campaigned hard for the Republican — but with a negative effect, if any. Rains was helped by a major successful drive to bring out the absentee voters among students at the University of California at Santa Barbara, and the student vote will be even heavier during the fall term in November.

Reagan calls the election nobody wants

As the law specifies, Governor Reagan called a special election to fill the vacancy caused by the election of Democratic Assemblyman John L. Burton to Congress. Unless the Legislature passes an emergency bill nullifying the election, the primary will be held on October 8th and the runoff, if needed, concurrentlyy with the general election November 5th.

Current law requires the election, even though it will serve no useful purpose and will cost taxpayers about $250,000. Burton's old Assembly district will be drastically revised in December under reapportionment, and anyone elected to fill the vacancy probably would not be able to attend any sessions of the Legislature. San Francisco lost one of its four seats through redistricting, and Burton's departure allowed incumbent Democrat John Foran to remain in office.

Foran would be the most logical candidate for the Burton seat — but he already has one. Assembly Speaker Leo T. McCarthy of San Francisco will attempt to work out a plan to eliminate the special election.

Major construction at Lake Tahoe halted pending master plan

The California Tahoe Regional Planning Agency last month imposed stringent controls on new construction in the Lake Tahoe Basin — a move opponents call a building ban. The controls will be in effect for up to a year — unless successfully challenged in court before that time — while the agency drafts a permanent master plan with strict new standards. Under the orders, building projects will be approved only if they don't:

- "Directly or indirectly have a significant adverse environmental impact."
- Generate more traffic increasing smog levels.
- Increase siltation and erosion into Lake Tahoe.
- Have "a negative esthetic effect."

The interim plan was opposed by a group called the Tahoe Economic Crisis Committee, but supported by home-owner groups — especially those representing owners of vacation homes in the area. In objecting to the plan, Wayne Couch of the California Lumbermen's Association commented: "We who live here are not pillagers, ravagers, nor rapists of the Lake Tahoe Basin. We simply live and earn our livelihood here and wish to be able to continue to have this opportunity as afforded us by the Constitution of the United States." This view was countered by the agency's chairman, Gordon Hooper, a Tahoe City real estate man and former director of the League to Save Lake Tahoe: "I feel we residents of Tahoe have an incontestable right in determining the destiny of the basin, but also that we have an incontestable obligation to the people of California and the nation."

Walnut trees yield to site preparation for Governor's mansion

A Governor's Mansion that could remain vacant for the next four years moved closer to construction last month as a stand of walnut trees was felled on the river-bluff site in the Sacramento suburbs. The state hopes to begin construction this month on a $1.45-million Governor's Mansion that one of the two major candidates has vowed not to inhabit if he wins. That would be bachelorr Jerry Brown, the Democrat; his Republican opponent, Houston Flournoy, saying that the issue had been kicked around long enough, concluded that he would move his family in.

The site, overlooking the American River and a county golf course, is about a 25-minute commute to the Capitol. Opponents, including Brown, feel that a downtown site should be provided, if any. The project is a particular enthusiasm of Governor and Mrs. Reagan, who moved out of the old downtown mansion after calling it a firetrap. (It is now a museum.)

The Sacramento County Board of Supervisors is supporting a lawsuit to halt further construction. One of the attorneys involved in the suit is Antonio Rossmann of Los Angeles, a friend and former associate of Brown. The suit charges that the final environmental impact report did not fulfill state regulations. [See "Design for a Governor's mansion," *CJ*, April 1974.]

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California *NEWSMAKERS*

Assemblyman **Doug Carter** of Stockton announced that he would no longer campaign as the Republican candidate in the Seventh Assembly District, to protest the way Governor **Ronald Reagan** had handled judgeship and supervisorial appointments in San Joaquin County. Carter said he was also furious because the Governor had refused to meet with him to discuss the matter. The action by the 30-year-old freshman was generally accepted as the victory clincher for his Democratic opponent, **John Garamendi.** But Carter's name will stay on the ballot, and there is no telling how voters will react to his show of independence. Carter said he would submit legislation allowing the name of another Republican to go on the ballot in his place for the November election, but it is doubtful that Democrats would permit its passage.

The state women's political caucus gave highest priority to the candidacy of Assemblywoman **March K. Fong** of Oakland for secretary of state, **Colleen Marie O'Connor** of San Diego for Congress, and **Leona Egeland** of San Jose and **Betty Mann** of Los Angeles County for Assembly. All are Democrats . . . . A recount in the Republican primary for the 41st Assembly District seat sustained the unofficial tabulation, with Assemblyman **Mike Antonovich** defeating Assemblyman **Newton Russell** by about 200 votes . . . . Former Assembly Speaker **Bob Monagan,** a Republican, resigned as assistant secretary of transportation in Washington to become executive vice president of the California Manufacturers Association . . . . **Robert Simpson,** Sacramento's 94-year-old self-appointed muckraker-in-chief, announced that he will be a write-in candidate for governor.

The new speaker of the Assembly, **Leo T. McCarthy,** named two freshmen to top leadership posts — **Howard L. Berman** as Democratic floor leader and **Julian C. Dixon** as Democratic caucus chairman . . . . **Lyn Nofziger,** former aide to President Nixon and Governor Reagan, withdrew as a consultant to Leo Thorsness, the GOP candidate against Senator George McGovern, because South Dakota Democrats had started launching attacks based on Nofziger's prior association with the President . . . . Dr. **Earl Brian,** former state health and welfare secretary and unsuccessful candidate for the GOP nomination for United States Senator, revealed that he rejected an offer to become director of the Veterans Administration in Washington.

United States Chief Justice **Earl Warren,** governor of California for 10 years and perhaps the state's most popular politician, died in Washington at 83. His personal papers became available to public view in Sacramento but there were no bombshells among them. The file marked "Nixon" remained confidential, however. Warren's autobiography is scheduled to be published within a few months. The decisions handed down by the Warren court during his 16 years as chief justice produced a social revolution in America.

Also deceased: At 96, **Ida Brown,** mother of former Governor **Edmund G. Brown** and grandmother of the Democratic nominee for governor, **Edmund G. Brown Jr.** . . . At 87, **Joseph Jensen,** long a leader in providing more water from Northern California for Southern California . . . . At 62, **Gladys Sanderson,** a member of the Youth Authority Board . . . . At 54, **Joe Brooks,** Capitol bureau chief for the Copley News Service.

An internal dispute over rape law revision led to the resignation of **Coleman Blease**, long-time legislative advocate for the Southern California chapter of the American Civil Liberties Union . . . . **Robert C. Brown** resigned as executive vice president of the California Taxpayers Association to take a similar position with a national taxpayer organization.

Faced with the refusal of the state Senate to confirm his appointment, **Robert W. Sigg** resigned his $37,615-a-year post as a member of the state Workmen's Compensation Appeals Board . . . . The state Commission on Judicial Qualifications recommended the removal of Municipal Judge **William D. Spruance** of the Hayward-San Leandro court for having fixed his own traffic ticket and for other charges of willful misconduct . . . . The state Supreme Court suspended **Herbert W. Kalmbach,** Nixon's former personal lawyer, from the practice of law . . . . Two key figures in the Charles Manson case, prosecutor **Vincent Bugliosi** and defense attorney **Dave Shinn,** were indicted for perjury in the contempt-of-court proceedings involving reporter **William Farr** . . . . **Louis S. Nelson** retired as warden of San Quentin prison with a prediction that penitentiaries will be unmanageable within 10 yeΩs .

APPOINTMENTS: **Madine Carpenter,** wife of state Senator Dennis E. Carpenter of Newport Beach, to the California Aeronautics Board . . . . **Ralph E. Graham,** assistant city manager of San Diego, to the California Water Commission . . . . **Sidney W. Brossman,** chancellor of the California Community Colleges, to the federal Advisory Council on Developing Institutions.

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Selected government reports

ELECTIONS

Campaign Law Reporter; a monthly newsletter reporting on local, state and federal election laws. The subscription ($240 a year) includes a basic manual, bulletins and an information service. California Research, 1225 8th St., Sacramento 95814.

Modernizing Election Systems; published by the Council of State Governments, 1973. 33 p. Available for $3 from the council at 85 Post Street, San Francisco 94104.

ENERGY

The Winding Down of the West: What the energy crisis means to California; Assembly Office of Research, December 1973. 25 p. Available free.

The Energy Crisis in California: An overview; staff report for the Senate Committee on Natural Resources and Wildlife. 1974. 48 p. Available free from the committee.

The Energy Directory: A guide to key organizations and information resources in the United States; the Center for California Public Affairs, Claremont Colleges, 226 W. Foothill, Claremont 91711. 1974 Guide to energy policy, conservation, production, sources, and economic, environmental and consumer aspects. Available ($15) at the center.

ENVIRONMENT

Environmental Impact Assessment: Guidelines and commentary; edited by Thomas G. Dickert with Katherine R. Domeny, University Extension, Berkeley. 1974.

Environmental Voting Index 1973; Legislative Birdwatchers Inc., 1225 8th St., Sacramento 95814. Tabulation of legislators' votes and status of environmental bills at year end. 24 p. ($2).

The States and Solid Waste Management: Our effluent society; Council of State Governments. February 1974. New perspectives including solutions to governmental solid waste problems. 41 p. Available from the council, 85 Post St., San Francisco, 94104. ($3)

Bay Plan Evaluation Project: Report on Public Forums; San Francisco Bay Conservation and Development Commission. June 1974. Summary of public forums on Bay Plan revision and implications of its scope. 45 p.

The Land Use Puzzle; Council of State Governments. May 1974. An examination of the role and responsibility of state government in land-resource management. 37 p. Available as RM-530 from the council. ($3)

FINANCE

A Survey of Budgetary Reform in Five States; Prepared by Haldi Associates, Inc., published by the Council of State Governments, 1973. 61 p. Available ($3) from the council, Iron Works Pike, Lexington, Ky.

LOCAL GOVERNMENT & PLANNING

Democracy in the Space Age: Regional Government Under a California State Plan; California Tomorrow, 1973. A detailed discussion of regional government as proposed in The California Tomorrow Plan. 40 p. California Tomorrow, 681 Market St., San Francisco 94105. ($1.25)

Local Government Planning in California — A Survey; California Council on Intergovernmental Relations, 1973. 35 p., including tables. Available free from the Office of Planning and Research, 1400 10th St., Sacramento 95814.

The Job of the Planning Commissioner: A Guide to Citizen Participation in Local Planning; by Albert Solnit. Published by UC Berkeley. 112 p. Available ($4) from Dept. P, University Extension, 2223 Fulton St., Berkeley, 94720.

THE PRESS

Shield Laws: A Report on Freedom of the Press, Protection of News Sources, and the Obligation to Testify; the Council of State Governments, Iron Works Pike, Lexington, Ky. 40511. 1973. 35 p. ($3)

Newsmen's Privilege: An annotated bibliography 1967-1973; prepared by Lisa Epstein, California State Law Library. 1973. 19 p. Available for reference use from the Reference Librarian, State Law Library, Library and Courts Building, Sacramento 95814.

MISCELLANEOUS

The Drug Diversion Program: an initial report; Bureau of Criminal Statistics. 1973. 43 p., with appendices. Available free from the bureau, P.O. Box 13427, Sacramento 95813.

California Driver Training Evaluation Study: Summary of final report; prepared by the UCLA School of Engineering and Applied Sciences in cooperation with the state Department of Motor Vehicles and the Business and Transportation Agency. 1973. 19 p.

Meeting the Earthquake Challenge; final report to the Legislature by the Joint Committee on Seismic Safety. 1974. Results of a four-year study, with recommendations for reducing earthquake risks. 223 p. Available from the committee, State Capitol, Sacramento 95814.

On Growing Old: a study on aging; the Council of State Governments. 1973. 23 p. Available ($3) from the council at 85 Post Street, San Francisco 94104.

The California Handbook: A Comprehensive Guide to Sources of Current Information and Action; edited by Thaddeus C. Trzyna and William Shank. Third Edition, April 1974. Published by the Center for California Public Affairs, Claremont Colleges, 226 W. Foothill Blvd., Claremont 91711. Lists more than 5,000 sources on California. 550 p. ($11.95 paperbound, $17.95 cloth)

Doing Business in California: A Guide for Establishing a Business; prepared by the Division of Business and Industry Development, State Department of Commerce, 1400 10th St., Sacramento 95814. 31 p.

Marijuana: Beyond Misunderstanding; final report of the Senate Select Committee on Control of Marijuana. May 1974. 122 p.

The Book of the States 1974-75; Council of State Governments. 1974-75 edition, and two supplements in 1975. A comprehensive survey on all aspects of state government. 624 p. Available from the council, 85 Post St., San Francisco 94104. Clothbound. ($14.50, $20 with 2 supplements.)

A Place to Live: Housing Policy in the States; Council of State Governments. June 1974. Major problems and guidelines in housing, with state and federal government responses. 40 p. Available as RM-532 from the council. ($3)

The Impact of Property Taxation on Urban Spatial Development; by W.A.V. Clark, published by the Institute of Government and Public Affairs, University of California, Los Angeles. 1974. An examination of the property tax's effect on urban growth. 120 p. Available as report 187 from the Institute, 405 Hilgard Ave., Los Angeles 90024. ($6.50)

Ways and Means: Recommendations for the Legislative Appropriations Process; prepared by the National Legislative Conference and published by the Council of State Governments, Iron Works Pike, Lexington, Ky. 40511. May 1974. 22 p. Available from the council, as RM-531. ($2)

CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month only if a meeting is scheduled: Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Postsecondary Education Commission; Board of Education; Highway Commission; Little Hoover Commission; Park and Recreation Commission; University of California Board of Regents.

Aug. 14-15 **Air Resources Board.** Junipero Serra State Building, 107 S. Broadway, Los Angeles. 9:30 a.m.

Aug. 16 **Fish and Game Commission.** State Building, 455 Golden Gate Ave., San Francisco. 9 a.m.

Veterans Board Meeting. Yountville. 1:30 p.m.

Aug. 19-23 **Board of Equalization.** 1020 N St., Room 102, Sacramento. 2 p.m.

Aug. 21-22 **Highway Commission.** Department of Transportation, 1120 N St., Sacramento. 9:30 a.m.

Aug. 22 **Council on Criminal Justice.** Airport Hyatt Hotel, Inglewood. 10 a.m.

The following boards and commissions follow a regular monthly schedule: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Coastal Commission, first and third Wednesdays; Consumer Advisory Council, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Resource Conservation Commission, fourth Tuesday; State Lands Commission, last Thursday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays.

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ROLL CALL

The lawmakers' gift to California voters

The Legislature went on a ballot-proposition binge at the end of June before taking a summer recess until August 5th. As a result, California voters on November 5th will face a long list of state measures, including one proposal that is almost identical to the defeated Proposition 7 on last June's ballot. The June version would have exempted six officials of the new California Postsecondary Education Commission from civil service; the new version cuts the number to four. Among other issues the Legislature asked the voters to decide:

- Should local public-housing authorities be able to build low-rent units without the prior approval of the electorate?
- Should the University of California Regents, or the Legislature, determine whether students should be charged tuition?
- Should cities and counties be allowed to establish residency requirements for their employees?
- Should more than one trial court be established in San Diego?
- Should terms of the University of California Regents be shortened from 16 years to 12?

At least 17 propositions, including an initiative designed to prevent construction of New Melones Dam on the Stanislaus River, have already been cleared for the ballot. Two others are in doubt because needed legislation has not yet been signed into law. The number of propositions could grow to 19 if the Legislature, the Governor and the Secretary of State work rapidly this month to qualify a constitutional amendment letting the state establish a corporation to spur development of low- and medium-income housing and a bond issue to raise $500 million to finance the housing.

Unfinished business

Lawmakers began their five-week vacation without completing action on two measures of vital interest to themselves. One would increase legislators' salaries, now $19,200 a year, to $23,040 starting January 1st; under present law, the level will rise to $21,120 in December. The other bill would provide increased retirement benefits for seven legislators who have been in office more than 20 years; pensions would be raised from two-thirds of their annual salary to three-fourths.

Senate

BUDGET

SB 1525 (Collier) — Enacts 1974-75 budget totaling $10.2 billion. Conference report rejected, 14-22.

SB 1525 (Collier) — Budget act, second conference report. Adopted, 27-4.

BUSINESS

AB 1877 (Burton) — Prohibits licensed places of public accommodation, amusement or resort from refusing admission or service based solely on a person's hair style. Failed, 15-13.

EDUCATION

ACA 86 (Vasconcellos) — Proposed constitutional amendment exempting four officials of the new Postsecondary Education Commission from civil service. Adopted, 28-5.

ACA 85 (Vasconcellos) — Proposed constitutional amendment granting Legislature the authority to decide whether students at the University of California should be charged tuition. Adopted, 31-5.

SB 1592 (Dills) — Increases state apportionments to public-school districts. Passed, 27-10.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through August 2nd. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. ⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority. ⅔ = 27 votes.

ELECTIONS

ACA 38 (Dixon) — Proposed constitutional amendment granting certain ex-felons the right to vote. Adopted, 27-8.

SB 1548 (Petris) — Permits voter registration by mail, with registration forms to be mailed with initial billings for public-utility service. Failed, 15-18.

SB 1693 (Beilenson) — Authorizes cities and counties to limit campaign expenditures or contributions in local elections. Failed, 14-16.

EMPLOYMENT

AB 2860 (Antonovich) — Permits certain public employees to retire at 50 with five years of service. Passed, 27-10.

ENVIRONMENT

SB 1988 (Petris) — Prohibits operation of a new motor vehicle after December 31st, 1976, if it fails to meet specified emission standards. Passed, 22-8.

HOUSING

ACA 40 (Brown) — Proposed constitutional amendment repealing a requirement that low-rent, public-housing projects must be submitted to a vote of the electorate. Adopted, 28-9.

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SENATE (22 D, 18R)	SB 1525 SB 1525 AB 1877 ACA 86 ACA 85	SB 1592 ACA 38 SB 1548 SB 1693 AB 2860	SB 1988 ACA 40 SB 1633 SCA 40 SB 1780	SB 1519 SB 1877 SCA 51 ACA 60 ACA 99		SB 1525 SB 1525 AB 1877 ACA 86 ACA 85	SB 1592 ACA 38 SB 1548 SB 1693 AB 2860	SB 1988 ACA 40 SB 1633 SCA 40 SB 1780	SB 1519 SB 1877 SCA 51 ACA 60 ACA 99
Alquist (D)	YY*YY	YYY*Y	*YYYN	YNYYY	Mills (D)	YYYYY	YYYY*	YYYYN	YNYY*
Ayala (D)	NNYYY	YY*YY	YYYYN	YYYYY	Moscone (D)	YYYYY	YYYYY	YYYYN	YNYYY
Behr (R)	YYNYY	YYNYY	YYYYN	YNNYY	Nejedly (R)	NYYNY	YYNNY	YYYYY	YYNYY
Beilenson (D)	NYYYY	YYYYN	YYYYN	YNY*Y	Petris (D)	NYY*Y	YYYYY	YYYYN	YYYYY
Berryhill (R)	NYNYY	YY*NY	*YN*Y	N*Y*N	Richardson (R)	N***N	N*NNN	NNN*Y	NYNN*
Biddle (R)	NYNYY	YNNNY	YNYYY	*YN*Y	Robbins (D)	***YY	YYY*Y	YYYY*	Y*YYY
Bradley (R)	YYNYN	YNNNN	NNNNY	NNNNN	Roberti (D)	YYYYY	YYYYY	YYYYN	Y*YYY
Carpenter (R)	NNNYN	NNNNN	*NNNY	NYN*N	Rodda (D)	*YYYY	YYYYY	YYYYN	YNYYY
Collier (D)	Y*N*Y	*YN**	**YYY	NYYY*	Schrade (R)	YYY**	NNNNY	NYY*Y	NYYYY
Cusanovich (R)	YYYYY	YYNNN	NNNNY	NYYYY	Short (D)	Y**YY	YYY*Y	YYYY*	*YYYY
Deukmejian (R)	YYNN*	NYNNN	NYNNY	N*YYY	Song (D)	Y**YY	YYY*Y	*YYYN	YYYYY
Dills (D)	NYYYY	YYYYY	YYYYY	N*YYY	Stevens (R)	NYNYY	YYNNY	YYYYY	NYYYY
Dymally (D)	N**YY	YYYYY	YYYYN	Y*YYY	Stiern (D)	NYNNY	YNN*N	YYYYY	NYYYY
Gregorio (D)	NYYYY	NYYYY	YYYYN	YYYYY	Stull (R)	NN*NY	NNNNY	NNYNY	NYNNN
Grunsky (R)	NYNYY	YYNNN	YYYYY	YYY*Y	Walsh (D)	*Y***	Y***Y	*N***	**Y**
Harmer (R)	YYNYN	N***Y	*N*N*	N***Y	Way (R)	NYNYY	NY*NN	NYNYY	YNNYN
Holmdahl (D)	N**NN	YYNYY	YYYYY	YYYYN	Wedworth (D)	NNY*Y	Y*NNY	YYYYY	NYNYY
Kennick (D)	YYYYY	YYYNY	*YYYN	YYYYY	Whetmore (R)	N**YY	*NNNN	N*NNY	NYNN*
Marks (R)	NY*YY	NYYYY	YYYYN	YNNYY	Zenovich (D)	NYYYY	YY*YY	YYYYY	Y*YYY
Marler (R)	NYNYY	NNN*Y	*NY*Y	YYY*N	[Rains (D) elected during recess]				

SB 1633 (Zenovich) — Enacts the Zenovich-Chacon California Housing Finance Corporation Act establishing a corporation to develop low-income housing through use of federal funds and state loans. Passed, 29-8.

SCA-40 (Zenovich) — Permits the Legislature to create a public housing corporation with the powers outlined in SB 1633. Approved, 27-7.

JUSTICE

SB 1780 (Wedworth) — Increases the penalties for various forms of kidnapping, including the death penalty for a kidnapping in which the victim was killed. Passed, 21-14.

TRANSPORTATION

SB 1519 (Mills) — Authorizes transit districts to contract with the state Department of Transportation for the construction of transit facilities. Passed, 21-15.

SB 1877 (Nejedly) — Authorizes a county or smaller area to withdraw from the Bay Area Rapid Transit District. Passed, 21-9.

MISCELLANEOUS

SCA 51 (Mills) — Proposed constitutional amendment giving the state Personnel Board the power to provide cost-of-living increases for legislators. Adopted, 27-11.

ACA 60 (Meade) — Proposed constitutional amendment revising provisions covering various constitutional rights of individuals. Adopted, 27-4.

ACA 99 (Sieroty) — Proposed constitutional amendment replacing the masculine gender with the neuter. Adopted, 27-7.

Assembly

BUDGET

SB 1525 (Collier) — Enacts the budget act; report of second conference committee. Adopted, 67-7.

BUSINESS

AB 4365 (Russell) — Authorizes local government to permit non-profit corporations to issue revenue bonds for industrial development. Failed, 22-32.

EDUCATION

SB 71 (Gregorio) — Authorizes high schools to permit students to smoke on campus. Passed, 41-34.

SCA 45 (Rodda) — Proposed constitutional amendment increasing size of University of California Board of Regents from 16 to 18 and reducing terms from 16 years to 12. Adopted, 58-15.

ACA 85 (Vasconcellos) — Proposed constitutional amendment requiring the Legislature to determine whether UC students should be charged tuition. Adopted, 54-12.

ACA 86 (Vasconcellos) — Proposed constitutional amendment exempting four officials of the Postsecondary Education Commission from civil service. Adopted, 54-7.

ELECTIONS

ACA 38 (Dixon) — Proposed constitutional amendment giving most ex-felons the right to vote. Adopted, 56-12.

ACA 61 (Dunlap) — Proposed constitutional amendment reducing the vote required to pass local bond issues from two-thirds to a simple majority. Failed, 35-31.

EMPLOYMENT

AB 3821 (Sieroty) — Prohibits employers from requiring prospective employees to reveal arrest records that have been sealed. Passed, 44-27.

AB 3923 (Berman) — Specifically classifies women as a minority group under the Employment Development Act of 1973. Passed, 47-15.

AB 4150 (Knox) — Includes some prosecuting attorneys as safety members of public-retirement systems, increasing their pension benefits. Passed, 47-22.

SB 1859 (Walsh) — Requires the California Highway Patrol to hire female officers. Passed, 58-10.

SCA 40 (Zenovich) — Permits the Legislature to establish a public housing corpora-

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ASSEMBLY (49 D, 31R)	SB 1525 AB 4365 SB 71 SCA 45 ACA 85	SCA 86 ACA 38 ACA 61 AB 3821 AB 3923	AB 4150 SB 1859 SCA 40 SB 1634 AB 3032	AB 2954 AB 3619 AB 4173 AB 3610 AB 4154
Alatorre (D)	YNYY*	YYYYY	*YY*Y	YYYYY
Antonovich (R)	N*NNN	YNNNN	YNNNN	NNYNY
Arnett (R)	YNYYN	YY*NY	YYYYY	N*NNY
Badham (R)	YYNN*	Y*NNN	YYN*N	NNNY*
Bagley (R)	Y*YYY	YYYY*	YYYYY	**YN*
Bannai (R)	YYNNN	YNNNN	YYYYN	NYNNY
Bee (D)	YYNYY	YYYYY	YYYYY	Y*N*Y
Berman (D)	YNYYY	YY*YY	N*YYY	YY*NN
Beverly (R)	Y*YY*	*YYNY	YYYYN	NNYN*
Boatwright (D)	Y*NYY	YYYYY	YYYYY	YYNNN
Bond (R)	YYNYY	YYN*Y	NNNYY	*NNNY
Briggs (R)	NNN**	YNNNY	YYNNN	N*NYY
Brown (D)	YNYYY	YY**Y	YYYY*	Y**YY
Burke (R)	NNNNY	NNNNN	NNNNN	NNNNY
Burton (D)	*****	*****	*****	*****
Carter (R)	YYNYY	YYNNY	YYYY*	NNNYN
Chacon (D)	YYNYY	YYYYY	YYYYY	YYN*N
Chappie (R)	YYYNN	YNNNY	YYYYN	NNN*Y
Cline (R)	NNNNN	NNNNN	*NNNN	NNNYY
Collier (R)	YNNNY	N*NNN	NYN*N	NNNNN
Cory (D)	Y*YY*	YYYY*	YYYYY	YYY*Y
Craven (R)	YYNYN	YYNN*	NYN*Y	NNNN*
Cullen (D)	YNYYY	*YYYY	N*YYY	YYNYY
Davis (D)	Y*NYY	**NNY	YY**N	*N*N*
Deddeh (D)	YYYYY	YYYYY	YYYYY	NYNN*
Dixon (D)	Y*YYY	YYYYY	YYYYY	YYYN*
Duffy (R)	YYNYY	YYNNN	NY*YY	NN*N*
Dunlap (D)	YNYYY	*YYYY	YYYYY	YYYNY
Fenton (D)	Y*NY*	YYYYY	YYYYY	YYNNY
Fong (D)	****Y	*****	****Y	*****
Foran (D)	YYYYY	YYYYY	N*YYY	Y*NY*
Garcia (D)	Y**Y*	****Y	**YY*	YY**N
Gonsalves (D)	YNYYY	YYN*Y	YYYYN	Y*NNN
Gonzales (D)	YYYYY	YYYYY	YYYYY	NNNNN
Greene, B. (D)	YYYYY	YYYY*	YYYYY	Y****
Greene, L. (D)	YNYNY	NYYYY	YYYYY	Y*NN*
Hayden (R)	Y*YY*	*Y*NY	YYYY*	NN*NY
Holoman (D)	Y*YYY	YYYYY	*YYYY	YYN**
Ingalls (D)	Y*YYY	YYNNY	Y*YYY	YYNNY
Johnson, H. (D)	YNY*Y	Y*YY*	Y*Y**	Y*NNY
Johnson, R. (R)	YNNYY	YYNNY	YN*Y*	NN*N*
Kapiloff (D)	YYYYY	YYYYY	YNYYY	YYYNN
Karabian (D)	*YYYY	YY***	YYYY*	*****
Keene (D)	YNYYY	YYNYY	YYYYY	YY*NN
Keysor (D)	YNNYY	*Y*YY	Y*YYY	**NNY
Knox (D)	YNYNN	YYYYY	YYYYY	Y*NNY
Lancaster (R)	YNNNN	*NNNN	YYNNN	NNNNN
Lanterman (R)	YYNNY	Y*NNY	YY**Y	NNN*Y
Lewis (R)	YYNY*	YYNN*	YYNYY	N*N*Y
Lockyer (D)	YNYYY	YYYYY	YYYYY	YYYNY
MacDonald (D)	YNNYY	YYYYY	YYYYY	*YNN*
MacGillivray (R)	*****	*****	*****	***Y*
Maddy (R)	Y*YYY	YY*YY	NYYY*	YN*N*
McAlister (D)	YNNYY	YYYYN	NYYYY	YNYNN
McCarthy (D)	Y*YYY	YYYYY	YYYYY	Y***N
McLennan (R)	N*NNN	NNNNN	N*NNN	NNNY*
Meade (D)	YNYYN	YYYYY	YNYYY	YYYNN
Miller (D)	Y*YYY	*YYY*	N*YYY	YYNYY
Mobley (R)	YNNYY	YYNNY	NYYYN	NNNN*
Montoya (D)	Y*YYY	*YYY*	NYYYY	*YNNY
Moretti (D)	Y*YYY	*****	YYYY*	Y**NY
Murphy (R)	Y*Y*N	*YNNN	NYYYN	*NNNY
Nimmo (R)	YNNNY	YYNYN	NNYYN	NNNYY
Papan (D)	*NNYY	YYNYY	YYYYY	Y*NYN
Powers (D)	YNYNY	Y*NYY	YYYYY	Y*NNY
Priolo (R)	YYYY*	*NNNN	*YN*N	NNY*Y
Quimby (D)	YY*YY	YYYY*	YYYYY	**N*Y
Ralph (D)	Y*YYY	YYYY*	*YYYY	Y**N*
Russell (R)	NYNY*	NNNNN	NYNNN	NNY*N
Seeley (R)	Y*NYY	**NYN	YY*YY	NN*YN
Sieroty (D)	*NNYY	YYYYY	NYYYY	YYNNN
Thomas (D)	YYYYY	YYYYY	YYYYN	YYNYY
Thurman (D)	YNNYY	*Y*YY	YYYYY	YYNNY
Vasconcellos (D)	Y*YYY	YYYYY	*YYYY	YYYN*
Wakefield (R)	*NNN*	NNNN*	NYN*N	**NN*
Warren (D)	YNYYY	YYYY*	NYYYY	Y*NNY
Waxman (D)	YNYYY	YY*YY	NNYYY	YYYNN
Wilson (D)	YYNYY	YYYYY	YYYYY	YYNNN
Wood (R)	YNN*N	YNNNY	*YYYN	N*NN*
Z'berg (D)	N*YYY	*YYY*	NNYYY	Y*YNN

tion with broad authority in that field. Adopted, 58-14.

SB 1634 (Zenovich) — Enacts the Housing Finance Bond Law of 1974 providing for issuance of $500 million in state housing bonds, subject to voter approval. Passed, 61-7.

AB 3032 (Chacon) — Authorizes local government to provide for residential building inspections. Passed, 48-21.

JUSTICE

AB 2954 (Keene) — Provides for issuance of total exoneration forms to individuals arrested but not convicted of crimes. Failed, 40-27.

AB 3619 (Alatorre) — Repeals the law prohibiting use of profane language before women and children. Failed, 27-26.

AB 4173 (Meade) — Would permit a woman to charge her husband with rape if not living together as a result of annulment, divorce, dissolution or legal separation. Failed, 16-46.

AB 3610 (Badham) — Repeals 55-mile-per-hour speed limit and increases limit to 65 in rural areas. Failed, 15-49.

AB 4154 (Thomas) — Requires that $21.3 million in Long Beach oil revenues be used to pay all outstanding debts on the Vincent Thomas Toll Bridge. Failed, 34-21.

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A WASHINGTON PERSPECTIVE...

By Lou Cannon

Reaganism on the Potomac

Back in the days when Ronald Reagan was running for governor by running against government, he used to be fond of deriding the decisions made in the "puzzle palaces on the Potomac". Some of the decisions made here remain a puzzlement, but Reagan's philosophy as reflected in the graduates of his state administration now has much to do with them. While the Governor is on his way out, his ideas are going strong in Watergate-embattled Washington. Indeed, it now seems likely that both Reagan appointees and Reagan programs will outlast President Nixon.

* * *

Reagan's most significant contribution in national policies has occurred in the Department of Health, Education and Welfare, the federal agency that was the chief nemesis of Reagan during the period when it was presided over by his old political rival, Robert Finch. Under the direction of Caspar Weinberger, the Governor's former finance director, HEW has turned around. Robert Carleson, the former Reagan welfare director who took over the federal directorship when the Watergate investigation was only a gleam in Sam Ervin's eye, has managed to convince welfare directors in several key states that the highly valued California reforms also will work for them. Carleson, who calls himself "Jeffersonian", has convinced states to tighten eligibility, crack down on welfare fraud, and reduce overpayments while also increasing the size of the grants paid the neediest families. The states have been encouraged by the carrot of less restrictive federal regulation and the stick of federal penalties for overpayment. In effect, the federal government has shifted from a policy encouraging expansion of aid rolls to one that stimulates states to keep their rolls down and enforcement tight. The policy remains controversial within HEW, despite Carleson's proud belief that it has played a big part in the first national decline of payments to families of dependent children in 20 years.

Welfare does not rate even a footnote to Watergate in the Nixon administration, but it is probably the Watergate issue that has guaranteed the Reagan policy a quiet victory. A task force within HEW is presently preparing for Weinberger's recommendation and Nixon's ultimate decision, a new "incomes policy" that would largely federalize welfare, absorb the food-stamp program and eliminate the Carleson-inspired crackdown for recipient overpayments. Conservatives within the administration regard this proposal as a back-door revival of the family-assistance plan of Daniel Patrick Moynihan which the Nixon administration long ago abandoned. The "incomes policy" apparently faces a similar fate, mostly because President Nixon has lately come to realize that conservatives in Congress form his last hope for turning back impeachment. It is a singular victory for Reagan and the men he sent to Washington.

* * *

Another Reagan administration graduate is playing an equally important role in the Nixon administration's revalued defense policies, a role that has far fewer ideological overtones. Thomas C. Reed, the one-time scientist and engineer who became Barry Goldwater's advance man and Reagan's appointments secretary, is now assistant secretary of defense under James R. Schlesinger. It is Schlesinger's belief that the U.S. strike force must be finely tuned to face the possibility of a limited nuclear war rather than an all-out encounter.

One of the barriers to this goal is the supposedly obsolete condition of U.S. Naval communications, particularly for the Polaris and Poseidon submarines which are considered the ultimate American deterrent. The ocean hiding places that make these submarines relatively invulnerable also make them inaccessible to standard communications, and the Navy has been trying spasmodically for a decade to develop a better system.

This project is now Reed's responsibility in his new portfolio as head of defense communication systems. Known as Sanguine, the proposed project involves a huge array of cables and transmitters that would form a vast antenna system extending 2,500 miles and emit extremely low-frequency signals that could more easily penetrate the ocean depth than can present transmissions. Sanguine was bought by the Navy, which tried to rush construction without consulting environmentalists, who considered the antenna to be an eyesore. The Navy lost this battle almost before it started, partly because the Navy had never proved the effectivenes of Sanguine or decided on an acceptable location.

Reed, with backing from Schlesinger, is approaching Sanguine like the scientist he used to be. He plans a geological survey to pinpoint areas of pre-Cambrian granite, the type of rock that insulates transmitters so that the radio signal does not get absorbed by the ground but enters the natural transmission surface created by the earth and the ionosphere. One of Reed's arguments for Sanguine strikes a responsive chord among those who fear the psychological impact on a nuclear-armed sub that has lost touch with its homeland during a national emergency. "Even if we just keep playing the National Anthem to tell them we're still here, that's damned important," Reed says.

And important, also, has been the impact of Reagan's man Reed within the Department of Defense.

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Business and political leaders don't mean badly; the trouble with them is that most of the time they don't mean anything.

James Harvey Robinson

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